

**CORRESPONDENCE  
IN LIEU OF  
DIRECTORS' MEETING  
MONDAY, JULY 25, 2005**

**I. MAYOR**

- \*1. NEWS RELEASE - RE: Open House Planned On Safety Improvements At Van Dorn Intersections With 9<sup>th</sup> And 10<sup>th</sup> Streets -(See Release)
- \*2. NEWS ADVISORY - RE: Mayor Coleen Seng will kick off the Folsom Children's Zoo's 40<sup>th</sup> anniversary celebration at a news conference at 9:00 a.m., Thursday, July 21 at the Zoo - (See Advisory)
- \*3. Washington Report - July 15, 2005.

**II. DIRECTORS**

**FINANCE/BUDGET**

- \*1. Reports from Steve Hubka - RE: July Sales Tax Receipts -(See Material)

**HEALTH**

- \*1. NEWS RELEASE - RE: The Dangers Of Heat Stroke -(See Release)

**PLANNING**

- \*1. Material from Marvin Krout - RE: Comprehensive Plan Amendments and Updates - (See Material)

**PLANNING COMMISSION FINAL ACTION ....**

- \*1. Special Permit #692M (Amendment to the Tabitha New Community 3<sup>rd</sup> Addition Community Unit Plan) Resolution No. PC-00939.
- \*2. Special Permit #05034 (16<sup>th</sup> and South Streets) Resolution No. PC-00940.

## **STARTRAN**

- \*1. Response Letter from Larry Worth to Charles Swingle - RE: Expressed concern as to the need to post StarTran route/schedule information proximate to the 11<sup>th</sup> & “N” Streets bus stop-(See Letter)

## **III. CITY CLERK**

## **IV. COUNCIL**

### **A. COUNCIL REQUESTS/CORRESPONDENCE**

#### **COUNCIL - RFI'S**

- 1. Request to Public Works & Utilities Department - RE: Salt Creek Floodplain segment of South Beltway - (RFI#1 - 6/28/05)
- 2. Request to Urban Development Department - RE: The Kinder-Care at 17<sup>th</sup> & South-BryanLGH/West not renewing their contract - (RFI#4 - 6/28/05)

#### **ROBIN ESCHLIMAN**

- 1. Request to Mark Bowen, Mayor's Office - RE: Weekly updates to the City Council on the status of ITI - (RFI#1 - 7/07/05)

#### **ANNETTE McROY**

- 1. Request to Karl Fredrickson, Public Works & Utilities Director/Lynn Johnson, Parks & Recreation Director - RE: A Divided City - (RFI#166 - 7/21/05)

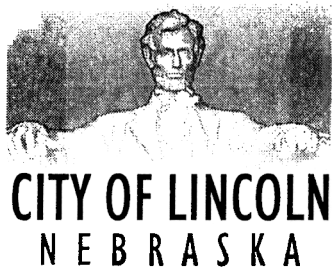
## **V. MISCELLANEOUS**

- \*1. Letter from Richard Esquivel - RE: Strong opponent to the suggested wheel tax for the City/County - (See Letter)
- \*2. E-Mail from Pamela Grieser - RE: The smoking ban -(See E-Mail)

- \*3. Letter from Billy Vogel - RE: The intersections of 70<sup>th</sup> & Hwy. 2 & 70<sup>th</sup> & Pine Lake - (See Letter)
- \*4. Letter from Stu Miller, State Department of Economic Development - RE: During 2005 session, The Nebraska Legislature passed the Nebraska Opportunity Zone Act, LB 546 -(See Material)
- \*5. Material from Larry Maresh, Deputy Director for Administration, Lincoln Airport Authority - RE: Resolution #462 - (See Material)

## **VI. ADJOURNMENT**

**\*HELD OVER UNTIL AUGUST 1, 2005.**



# NEWS RELEASE

MAYOR COLEEN J. SENG

[lincoln.ne.gov](http://lincoln.ne.gov)

## **PUBLIC WORKS AND UTILITIES DEPARTMENT**

Engineering Services, 531 Westgate Blvd., Lincoln, NE 68528, 441-7711, fax 441-6576

**FOR IMMEDIATE RELEASE:** July 18, 2005

**FOR MORE INFORMATION:** Kris Humphrey, Engineering Services, 441-7711  
Scott Cockrill, Engineering Services, 441-7711

### **OPEN HOUSE PLANNED ON SAFETY IMPROVEMENTS AT VAN DORN INTERSECTIONS WITH 9TH AND 10TH STREETS**

The public is invited to an open house on a safety improvement project at the intersections of Van Dorn Boulevard with 9th Street (one-way south) and 10th Street (one-way north). The meeting is set for 5 to 7 p.m. Tuesday, July 26 at the enclosed, air-conditioned shelter in Van Dorn Park on the southwest corner of 9th and Van Dorn. Parking is available adjacent to the shelter.

There have been a significant number of crashes involving vehicles headed north on 10th Street and turning west at Van Dorn. The project will create two left-turn lanes for the northbound traffic. Engineers expect the project to reduce crashes at this location by half.

Those attending the open house will be able to view the conceptual design, offer written comments and speak with project representatives.

This safety project is eligible to receive 80-percent federal safety funding, with 10-percent state and local funding matches. Construction is tentatively scheduled to begin in late spring 2006.



# NEWS ADVISORY

MAYOR COLEEN J. SENG

[lincoln.ne.gov](http://lincoln.ne.gov)

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## OFFICE OF THE MAYOR

555 South 10th Street, Lincoln, NE 68508, 441-7511, fax 441-7120

**DATE:** July 20, 2005

**FOR MORE INFORMATION:** Diane Gonzolas, Citizen Information Center, 441-7831

Mayor Coleen J. Seng will kick off the Folsom Children's Zoo's 40th anniversary celebration at a news conference at **9 a.m., Thursday, July 21** at the Zoo, **1222 South 27th Street.**

# WASHINGTON REPORT

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## *Washington Report*

*Archived at:*  
[www.capitaledge.com/  
archive.html](http://www.capitaledge.com/archive.html)

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## TEA-21 NEGOTIATORS CONFIDENT AGREEMENT IS NEAR

### TRANSPORTATION

TEA-21 negotiations continue as latest deadline nears; leadership confident that end is near. While staff and lawmakers working to reconcile the differences between House and Senate versions of legislation to reauthorize highway, transit and highway safety programs say that they have made significant progress, they are unlikely to have a conference report ready before the current temporary extension of those programs expires Tuesday.

Though Congress may have a few days of leeway beyond Tuesday to finish work, anything longer will require a ninth extension of the 1998 law, which expired in September 2003, to avoid the furloughing of employees at the Federal Highway Administration, the Federal Transit Administration, National Motor Carrier Safety Administration and the National Highway Safety Administration.

Conferees continue to work within the confines of a six-year \$286.5 billion measure and have agreed to a state funding allocation that would guarantee that each state receive at least a 92 percent return of their federal gas tax contributions. Conferees continue to work with a \$286.5 billion figure despite the lack of comment from the White House, which has steadfastly insisted that the President will not sign a bill costing more than \$283.9 billion.

Conferees made a major breakthrough when they agreed that the Senate has authority over 40 percent of the money in the bill directed to project earmarks. Senate offices have received their funding allocations for projects and are filling out forms to submit to conferees. If a bill is signed into law before October 1, funding of earmarked projects would be stretched over five years from FY 2005 to FY 2009. If work on the bill slides

past that date, they would be funded over four years, complicating the fragile state funding allocation agreement conferees have reached.

Conferees remain publicly optimistic that they will be able to issue a conference report next week and that there will be no need for a further extension. However, even with the state allocations worked out, staff faces a lot of paperwork as they reconcile the 705-page House bill with its 1,346-page Senate counterpart. Bowing to that reality and the chance that disagreement might arise over other issues, House Majority Leader Tom DeLay (R-TX) has said that he will find time next week for the House to consider an extension bill if necessary.

### HOMELAND SECURITY

Senate decides on new distribution formula for Homeland Security funds. During debate on Tuesday of the FY 2006 Homeland Security Appropriations bill (HR 2360), the Senate adopted an amendment that will change the distribution formula used to allocate federal homeland security funding to state and local first responder agencies.

The amendment was sponsored by Senators Susan Collins (R-ME) and Joseph Lieberman (D-CT), leaders of the Senate Homeland Security and Governmental Affairs Committee and was similar to legislation (S 21) approved by that panel earlier this year. It would grant each state a minimum of .55 percent of the major state and local homeland security grant programs or an allocation based on a formula using population and population density. Remaining funds would be distributed to states according to risk as determined by the Department of Homeland Security (DHS). The amendment also authorizes \$2.9 billion for first-responder grants in FY 2006 and was adopted by a vote of 71-26

Under the current distribution formula for homeland security block grants only, each state receives at least .75 percent from this smaller grant pool with the remaining funds distributed according to population.

In response to criticism that the Collins-Lieberman amendment directed too much funding to small states with few or no perceived terrorist targets, Senators Dianne Feinstein (D-CA) and John Cornyn (R-TX) proposed an amendment to help states with more high threat areas, as well as states with designated urban high threat areas. It would provide states with a minimum funding level of .25 percent of a grant pool composed of selected programs leaving the rest of the funding to be distributed according to DHS assessment based on risk. The amendment, which included provisions similar to those in legislation already passed by the House (HR 1544), was supported by a group of high threat cities which are recipients of threat-based funding, but it failed 32-65.

Other highlights of the bill include:

- \$1.538 billion for state and local assistance grants (\$1.9 billion in the House, \$2.3 billion in FY 2005)
- \$400 million for local law enforcement terrorism prevention grants (same)
- \$200 million for port security grants (\$150 million in the House, \$150 million in FY 2005)
- \$100 million for rail and transit security grants (\$150 million in the House, \$150 million in FY 2005)
- \$2 billion for Disaster Relief (\$2.023 billion in the House, \$2.042 billion in FY 2005)
- \$665 million for firefighter assistance grants, of which \$115 million is for SAFER Act grants (\$600 million in the House, \$780 million in FY 2005)

In response to the recent bombings in London, several amendments were offered to increase funding for public transit and passenger rail. All of those efforts were defeated because they did not propose program cuts to offset the additional spending. However, it is expected that those programs will receive some increase in a House-Senate conference committee on the bill.

## JOB TRAINING

Senate committee restores some House cuts to federal job training programs, but overall level still lags behind FY 2005. The Senate Appropriations Committee approved its FY 2006 budget recommendations for the Department of Labor this week, and programs at the Employment and Training Administration (ETA) would be funded at \$5.25 billion, \$87 million less than FY 2005, but \$150 million more than approved by the House last month.

The Senate provides \$893.6 million for adult training programs, a decrease of about \$3 million from FY 2005 and almost \$28 million more than proposed by the House. Youth training programs would receive \$986.3 million, the same as FY 2005 and \$36.3 million more than the House. Other ETA programs of interest were funded as follows (with comparisons to FY 2005 and House):

- \$1.552 billion for Job Corps (+\$30.1m over FY05; same as House)
- \$1.476 billion for Dislocated Workers (same as FY05; +\$71m over House)
- \$125 million for the Community College initiative (+\$1m over FY05; same as House)
- \$69.8 million for prisoner re-entry program (+\$19.8m over FY05; +\$69.8m over House)

The House approved its version of the FY 2006 Department of Labor budget on June 24. The measure will next be considered on the Senate floor, and sponsors hope that it can be approved prior to the August congressional recess slated to begin two weeks from today.

## HUMAN SERVICES

Senate panel considers FY 2006 HHS budget. The FY 2006 budget for the Department of Health and Human Services (HHS) was approved by the Senate Appropriations Committee this week, clearing the largest domestic discretionary appropriations bill for Senate floor consideration.

Chairman Arlen Specter (R-PA) of the Labor-HHS-Education Appropriations Subcommittee used an accounting maneuver in which \$3.2 billion in mandatory Supplemental Social Security Income payments were delayed by a few days to push that spending from FY 2005 into FY 2006 and use it for other purposes. Specter, who is battling an advanced form of Hodgkin's disease, used \$1.1 billion of that to increase research funding for the National Institutes of Health (NIH). Specter also used some of the funds to restore funds to a number of programs that the House and White House had proudly slated for elimination, identifying them as "low performing" programs. This included 18 programs alone at the Health Resources and Services Administration (HRSA), such as the Healthy Community Access Program (HCAP).

Details on all HHS programs were not yet available, but some highlights of interest to local governments in the Senate FY 2006 recommendations include (with comparisons to FY 2005 and House levels):

- \$1.839 billion for Community Health Centers (+\$105m over FY05; same as House)
- \$2.083 billion for Ryan White AIDS programs (+\$10m over FY05; same as House)
- \$2.183 billion for Low Income Home Energy Assistance Program (same as FY05; +\$200m over House)
- \$6.874 billion for Head Start (+\$31.2 million over FY05; same as House)
- \$636.8 million for the Community Services Block Grant (same as FY05; House would eliminate)

The House approved its version of the FY 2006 Department of Labor budget on June 24. The measure will next be considered on the Senate floor, and sponsors hope that it can be approved prior to the August congressional recess slated to begin two weeks from today.

## ENERGY

House-Senate energy bill conference kicks off. On July 14, the House officially appointed conferees to the Conference Committee for the energy bill, HR 6 (see list below). Shortly after House conferees were appointed, the first House and Senate energy bill conference commenced, with the ambitious goal of sending a final bill to the President's desk by the end of the month. With a little more than two weeks to resolve issues ranging from MTBE liability to renewable portfolio standards, lawmakers are expecting an aggressive, two-week conference schedule.

House Energy and Commerce Committee Chairman Joe Barton (R-TX) said yesterday, "This is the third conference out of three congresses. We should be able to come to closure quickly." Barton has set a strict schedule that includes negotiating all next week with the potential for weekend sessions for July 23 and 24 if necessary.

The key to conference is whether Barton will come up with a deal to resolve the issue of liability exemptions for producers of the gasoline additive known as MTBE. Barton and Rep. Charles Bass (R-NH) are working on a deal that would set up a trust fund, partially paid for by the MTBE industry, to clean up MTBE-polluted groundwater sites around the country. Their proposal is rumored to provide up to \$16 billion for the trust fund, though some of that money would come from taxpayers.

State and local government organizations have not been a part of those negotiations and their representatives estimate that the cost of cleaning up sites where MTBE is known to exist is between \$25 and \$85 billion. One reason the cost estimates are so different is that these organizations have insisted that MTBE producers be responsible for not only removal of leaking tanks, but the actual cleanup of the water that has been contaminated.

Although dozens of conferees were appointed to consider particular sections of the bill, the following conferees will be considering the most significant issues on the House bill and the Senate amendment: Joe Barton (R-TX), Ralph Hall (R-TX), Michael Bilirakis (R-FL), Fred Upton (R-MI), Cliff Stearns (R-FL), Paul Gillmor (R-OH), John Shimkus (R-IL), John

Shadegg (R-AZ), Charles Pickering (R-MS), Roy Blunt (R-MO), Charles Bass (R-NH), John Dingell (D-MI), Henry Waxman (D-CA), Edward Markey (D-MA), Rick Boucher (D-VA), Bart Stupak (D-MI), Albert Wynn (D-MD), and Hilda Solis (D-CA).

Senate conferees are: Pete Domenici (R-NM); Larry Craig (R-ID); Craig Thomas (R-WY); Lisa Murkowski (R-AK); Richard Burr (R-NC); Charles Grassley (R-IA), Orrin Hatch (R-UT); Jeff Bingaman (D-NM); Daniel Akaka (D-HI); Byron Dorgan (D-ND); Ron Wyden (D-OR); Tim Johnson (D-SD), and Max Baucus (D-MT).

## WATER RESOURCES

House passes \$10 billion water projects measure. By a vote of 406-14, the House passed legislation (HR 2864) to authorize more than \$10 billion in Army Corps of Engineers flood control, navigation, beach restoration and environmental restoration projects. Due to controversies over proposals to reform Corps of Engineers management and environmental practices and disagreement over individual projects, Congress has not passed a similar legislation, generally dubbed the Water Resources Development Act (WRDA), since 2000.

The vote came after the House rejected (105-315) an amendment offered by Representatives Jeff Flake (R-AZ) and Earl Blumenauer (D-OR). The amendment, supported by environmental and taxpayer advocacy groups, would have halted a major lock and dam project on the Upper Mississippi River if freight traffic in the corridor does not average 35 million metric tons a year between 2007 and 2010.

The Bush Administration issued a Statement of Administration Policy criticizing the bill for not doing more to increase Corps management and accountability. The Statement also argues that the bill authorizes too many new projects given the current \$50 billion backlog in Corps projects and call on Congress to restrain its self and set priorities. The Administration is also concerned about language in the bill that would streamline the environmental

review of Corps projects, saying that it would set up a cumbersome and confusing process.

All eyes now turn to the Senate, where a \$17 billion measure (S 728) approved by the Environment and Public Committee awaits floor action. Serious debates over Corps reform, the cost of the bill, the Upper Mississippi River Project and water flows in the Missouri River are expected when the Senate takes up the measure, possibly in the next two weeks but more probably after the August recess.

## GOVERNMENT REFORM

Legislation introduced that would establish commissions to consolidate and eliminate overlapping or ineffective government programs and agencies. First proposed by the White House Office of Management and Budget, legislation introduced yesterday aims to eliminate so-called inefficient federal programs. House Government Reform Committee Chair Thomas Davis (R-VA) agreed to sponsor the legislation, the "Federal Agency Performance Review and Sunset Act" (HR 3277) and the "Government Reorganization and Improvement Act" (HR 3276). Likewise, in the Senate, Craig Thomas (R-WY) sponsored a companion bill (number unavailable).

The legislation would establish two types of commissions. Results Commissions would focus on specific issue areas and consider the effectiveness of agencies and programs, and provide suggestions for reorganization. A general Sunset Commission would evaluate federal programs every ten years and handle the termination of ineffective programs. Programs that are not cost-effective and those that overlap or conflict with similar programs would be considered ineffective.

The Commission would also have the authority to alter the purpose of a program or agency to improve efficiency and accountability. A program's termination would be required within two years of the Sunset Commission's recommendation unless Congress were to reauthorize the program. Both



commissions would be comprised of seven presidential appointees.

Critics argue that, as the commissions would be exempt from the Federal Advisory Committee Act, commission results would not be objective or available to the public. Moreover, the recommendations of the commissions would be considered under an expedited review process in Congress, which might not allow for an in-depth debate on the merits of some programs.

## PUBLIC SAFETY

Justice Department to assist with burden of replacing defective bulletproof vests. Law Enforcement agencies across the country purchased bulletproof vests on the list of those recommended by the Department of Justice, and now the manufacturer of one brand admits that a material in their vest, Zylon, is defective.

Approximately 100,000 vests produced by Second Chance Body Armor must be replaced, although the company has issued no recall nor plans to provide refunds, considering that it has filed for bankruptcy protection. While the company is pursuing litigation against the fiber manufacturer to recover funds that may be used to help law enforcement agencies, the Department of Justice is also seeking to assist agencies. The current Bulletproof Vest Partnership Program may not have the authority to fund replacements. However, through the Body Armor Safety Initiative, the National Institute of Justice is offering up to \$800 in exchange for each Zylon-based vest. For more information and eligibility restrictions, see:

<http://vests.ojp.gov/index.jsp>.

One competitor company, Protective Products International, is providing \$100 in rebate for each vest traded in for their own product.

The Department of Justice has also filed suit against Second Chance Body Armor and the fiber manufacturer for hiding information that proved the material was defective.

## GRANT OPORTUNITIES

### Department of Health and Human

**Services:** The Administration for Children and Families is accepting applications for the following cooperative agreement: Developing Adoption Services and Supports for Youth Who Wish to Retain Contact with Family Members in Order to Improve Permanency Outcomes. The grant supports projects which demonstrate the effective implementation of strategies for adoptive children who prefer to maintain contact with their birth families or siblings and demonstrate effective strategies aiming at permanency outcomes. There is \$1.8 million for up to six agreements spanning five years. The required match is at least ten percent. The deadline to apply is August 20, 2005. See:

<http://www.acf.hhs.gov/grants/open/HH-S-2005-ACF-ACYF-CO-0051.html>.

### Department of Health and Human

**Services:** The Health Resources and Services Administration is accepting applications for the Healthy Start Initiative-Eliminating Racial/Ethnic Disparities. The grant seeks to address perinatal health indicator disparities in minority populations by enhancing the community's service system. There is \$4.8 million available for six awards, and the project period is four years. The deadline to apply is August 30, 2005. See:

<https://grants.hrsa.gov/webExternal/fundingOpp.asp>.

### Department of Health and Human

**Services:** The Administration for Children and Families is accepting applications for the Abandoned Infants Comprehensive Service Demonstration Projects. The grant supports projects to develop, implement, and evaluate comprehensive community-based support services for abandoned infants or infants in danger of being abandoned, particularly because of special medical needs or life-threatening illness. There is \$2.85 million available for up to six awards, and the project period is four years. The required match is at least ten percent. The deadline to apply is August 12, 2005. See:

<http://www.acf.hhs.gov/grants/open/HH-S-2005-ACF-ACYF-CB-0088.html>.

### Department of Health and Human

**Services:** The Administration for Children and Families is accepting applications for Demonstration projects that Improve Child Well-Being by Fostering Healthy Marriages within Underserved Communities. By strengthening families and healthy marriages, the grant aims to improve minority child well-being for those who are at risk of entering or already a part of the child welfare system. There is \$1.5 million for up to 10 awards, and the project period is four years. There is no required match. The deadline to apply is August 8, 2005. See:

<http://www.acf.hhs.gov/grants/open/HH-S-2005-ACF-ACYF-CA-0089.html>.

### Department of Health and Human

**Services, July 14:** The Administration for Children and Families is accepting applications for the new Community Services Block Grant Training and Technical Assistance for Promoting Healthy Marriages. The program aims to establish and disseminate best practices on strengthening healthy marriages in low-income communities through local community action agencies. There is \$400,000 available for four to six one-year project awards. There is no required match. The deadline to apply is August 15, 2005.

### Environmental Protection Agency:

The EPA is accepting applications for Local-Scale Air Toxics Ambient Monitoring. The grants are demonstration projects to assist state and local communities with identifying and profiling air toxic sources, characterizing the degree of the program, tracking progress in reduction activities, and developing and assessing emerging measurement methods. There is approximately \$6.3 million available for 15 cooperative agreements, and the project period is two years. There is no required match, although matching funds would improve the chances of an application. The deadline to apply is August 22, 2005. See:

<http://www.epa.gov/oar/grants/05-16.pdf>.

**Department of the Treasury:** The Community Development Financial Institutions Fund is accepting applications for the FY 2006 New Markets Tax Credit Program. Designated Community Development Entities (CDE) and those seeking such designation are invited to compete for tax credit allocations totaling \$3.5 billion in equity investments. The program is designed to draw private investments in low-income communities. Applications are due by September 21, 2005. Non-certified CDEs must submit their application by August 22, 2005. See: <http://www.cdfifund.gov/programs/programs.asp?programID=5>

**National Endowment for the Humanities:** The NEH has announced funding for Planning Grants for Museums, Libraries and Special Projects grants program. Planning Grants are used to refine the content and interpretive approach of projects prior to implementation. Total program funding is not available. The award ceiling is \$40,000. State and local governments are eligible to apply for these grants. Applications are due September 16. For more information and a link to the grant application, please see <http://fedgrants.gov/Applicants/NEH/OPUB/OPO/NEH-GRANTS-111604-001/Modification1.html>.

**National Endowment for the Arts:** The NEH has announced funding for Consultation Grants for Special Projects. Consultation grants help historical organizations or community organizations develop a new public humanities project or chart a new interpretive direction of an existing program. They support the costs of conferring with a team of advisors to help identify key humanities themes and questions during the early stages of a project's development. Total program funding is not available and the award ceiling for this grant is \$10,000. State and local governments are eligible to apply. Applications are due September 16. For more information, please see <http://www.fedgrants.gov/Applicants/NEH/OPUB/OPO/NEH-GRANTS-062705-002/Grant.html>.

**National Archives and Records Administration:** The National Historical Publications and Records Commission has announced funding for Publishing Historically Significant Records Relating to the History of the United States grant. The purpose of this grant is to support projects that publish historical documents important for the comprehension and appreciation of the history of the United States. The projects cover a broad sweep— from politics and the military to business history, reform efforts, and the arts. Produced under modern, rigorous documentary editing standards, Commission-sponsored documentary projects make important materials from all periods of American history more accessible and understandable today and for the future. State, county and local governments are eligible to apply for this grant. Approximately \$5,000,000 will be awarded to an estimated 35 recipients. Applications are due October 1. Please see:

<http://www.fedgrants.gov/Applicants/NARA/HQ/NHPRC/NHPRC-PublicationsOther-05/Modification1.html>

**Actual Compared to  
Projected Sales Tax Collections**

	VARIANCE				
	2004-05 PROJECTED	2004-05 ACTUAL	FROM PROJECTED	\$ CHANGE FR. 03-04	% CHANGE FR. 03-04
SEPTEMBER	\$4,515,734	\$4,512,303	(\$3,431)	\$128,424	2.93%
OCTOBER	\$4,727,381	\$4,541,471	(\$185,910)	(\$18,923)	-0.41%
NOVEMBER	\$4,759,942	\$4,586,261	(\$173,681)	\$279,549	6.49%
DECEMBER	\$4,303,478	\$4,174,828	(\$128,650)	\$251,162	6.40%
JANUARY	\$4,547,686	\$4,043,044	(\$504,642)	(\$233,565)	-5.46%
FEBRUARY	\$5,600,491	\$5,692,517	\$92,026	\$484,330	9.30%
MARCH	\$4,156,954	\$4,059,634	(\$97,320)	\$102,351	2.59%
APRIL	\$3,907,319	\$4,028,088	\$120,769	\$337,718	9.15%
MAY	\$4,536,832	\$4,608,034	\$71,202	\$161,033	3.62%
JUNE	\$4,357,746	\$4,522,924	\$165,178	\$118,273	2.69%
JULY	\$4,477,137	\$4,356,468	(\$120,669)	\$7,297	0.17%
AUGUST	\$4,737,625				
TOTAL	\$54,628,325	\$49,125,573	(\$765,127)	\$1,617,651	4.72%

**GROSS SALES TAX COLLECTIONS  
(WITH REFUNDS ADDED BACK IN)  
1999-2000 THROUGH 2004-2005**

	ACTUAL 1999-2000	ACTUAL 2000-2001	ACTUAL 2001-2002	ACTUAL 2002-2003	% CHG. FR. PRIOR YEAR	ACTUAL 2003-2004	% CHG. FR. PRIOR YEAR	ACTUAL 2004-2005	% CHG. FR. PRIOR YEAR
SEPTEMBER	\$3,592,214	\$3,758,935	\$3,844,150	\$4,239,938	10.30%	\$4,453,875	5.05%	\$4,648,160	4.36%
OCTOBER	\$3,831,639	\$4,273,028	\$4,116,763	\$4,464,191	8.44%	\$4,670,587	4.62%	\$4,706,690	0.77%
NOVEMBER	\$4,067,052	\$4,060,765	\$4,125,824	\$4,407,744	6.83%	\$4,526,166	2.69%	\$4,687,792	3.57%
DECEMBER	\$3,668,154	\$3,824,569	\$3,855,906	\$4,034,958	4.64%	\$4,314,111	6.92%	\$4,500,338	4.32%
JANUARY	\$3,896,477	\$3,968,572	\$4,140,990	\$4,046,633	-2.28%	\$4,335,924	7.15%	\$4,264,010	-1.66%
FEBRUARY	\$4,917,238	\$4,895,886	\$4,982,568	\$5,224,986	4.87%	\$5,531,405	5.86%	\$6,086,841	10.04%
MARCH	\$3,259,926	\$3,731,090	\$3,908,567	\$4,076,943	4.31%	\$3,980,041	-2.38%	\$4,158,874	4.49%
APRIL	\$3,454,776	\$3,126,694	\$3,641,403	\$3,711,803	1.93%	\$3,889,388	4.78%	\$4,097,988	5.36%
MAY	\$4,098,255	\$4,061,857	\$3,949,873	\$4,184,028	5.93%	\$4,602,788	10.01%	\$4,730,317	2.77%
JUNE	\$3,619,721	\$3,741,325	\$3,856,119	\$4,169,550	8.13%	\$4,599,245	10.31%	\$4,557,735	-0.90%
JULY	\$3,948,039	\$3,804,895	\$4,033,350	\$4,105,554	1.79%	\$4,391,257	6.96%	\$4,519,466	2.92%
AUGUST	\$4,062,654	\$4,093,476	\$4,231,174	\$4,402,156	4.04%	\$4,893,438	11.16%		
TOTAL	\$46,416,145	\$47,341,091	\$48,686,688	\$51,068,484	4.89%	\$54,188,225	6.11%	\$50,958,212	3.37%

Year to date vs.  
previous year

**CITY OF LINCOLN  
SALES TAX REFUNDS  
1999-2000 THROUGH 2004-2005**

	<b>ACTUAL 1999-00</b>	<b>ACTUAL 2000-2001</b>	<b>ACTUAL 2001-2002</b>	<b>ACTUAL 2002-2003</b>	<b>% CHG. FR. PRIOR YEAR</b>	<b>ACTUAL 2003-2004</b>	<b>% CHG. FR. PRIOR YEAR</b>	<b>ACTUAL 2004-2005</b>	<b>% CHG. FR. PRIOR YEAR</b>
<b>SEPTEMBER</b>	(107,766)	(\$472,215)	(\$646,545)	(\$48,531)	-92.49%	(\$69,997)	44.23%	(\$135,858)	94.09%
<b>OCTOBER</b>	(375,346)	(\$127,363)	(\$379,290)	(\$64,605)	-82.97%	(\$110,193)	70.56%	(\$165,219)	49.94%
<b>NOVEMBER</b>	(123,176)	(\$448,872)	(\$132,336)	(\$134,088)	1.32%	(\$219,454)	63.66%	(\$101,531)	-53.73%
<b>DECEMBER</b>	(36,049)	(\$193,085)	(\$240,014)	(\$177,459)	-26.06%	(\$390,445)	120.02%	(\$325,510)	-16.63%
<b>JANUARY</b>	(1,145,096)	(\$352,999)	(\$74,082)	(\$306,467)	313.68%	(\$59,315)	-80.65%	(\$220,967)	272.53%
<b>FEBRUARY</b>	(8,072)	(\$115,206)	(\$509,277)	(\$61,404)	-87.94%	(\$323,218)	426.38%	(\$394,324)	22.00%
<b>MARCH</b>	(196,501)	(\$303,779)	(\$428,507)	(\$17,601)	-95.89%	(\$22,759)	29.30%	(\$99,240)	336.05%
<b>APRIL</b>	(219,339)	(\$478,438)	(\$333,878)	(\$281,861)	-15.58%	(\$199,018)	-29.39%	(\$69,900)	-64.88%
<b>MAY</b>	(200,539)	(\$79,461)	(\$176,292)	(\$275,081)	56.04%	(\$155,787)	-43.37%	(\$122,283)	-21.51%
<b>JUNE</b>	(108,185)	(\$47,618)	(\$127,168)	(\$138,914)	9.24%	(\$194,593)	40.08%	(\$34,811)	-82.11%
<b>JULY</b>	(193,310)	(\$235,932)	(\$181,863)	(\$563,339)	209.76%	(\$42,086)	-92.53%	(\$162,998)	287.30%
<b>AUGUST</b>	(155,756)	\$0	(\$63,949)	(\$341,868)	434.60%	(\$531,884)	55.58%	(\$148,028)	-72.17%
<b>TOTAL</b>	(2,869,134)	(\$2,854,968)	(\$3,293,201)	(\$2,411,218)	-26.78%	(\$2,318,751)	-3.83%	(\$1,980,668)	-14.58%

Year to date vs.  
previous year

**CITY OF LINCOLN  
NET SALES TAX COLLECTIONS  
1999-2000 THROUGH 2004-2005**

	<b>ACTUAL 1999-00</b>	<b>ACTUAL 2000-2001</b>	<b>ACTUAL 2001-2002</b>	<b>ACTUAL 2002-2003</b>	<b>% CHG. FROM PR. YEAR</b>	<b>ACTUAL 2003-2004</b>	<b>% CHG. FROM PR. YEAR</b>	<b>ACTUAL 2004-2005</b>	<b>% CHG. FROM PR. YEAR</b>
<b>SEPTEMBER</b>	\$3,484,448	\$3,286,720	\$3,197,606	\$4,191,407	31.08%	\$4,383,878	4.59%	\$4,512,303	2.93%
<b>OCTOBER</b>	\$3,456,293	\$4,145,665	\$3,737,474	\$4,399,587	17.72%	\$4,560,394	3.66%	\$4,541,471	-0.41%
<b>NOVEMBER</b>	\$3,982,687	\$3,611,894	\$3,993,488	\$4,273,655	7.02%	\$4,306,712	0.77%	\$4,586,261	6.49%
<b>DECEMBER</b>	\$3,668,154	\$3,631,485	\$3,615,893	\$3,857,499	6.68%	\$3,923,666	1.72%	\$4,174,828	6.40%
<b>JANUARY</b>	\$2,751,381	\$3,615,574	\$4,066,908	\$3,740,166	-8.03%	\$4,276,609	14.34%	\$4,043,044	-5.46%
<b>FEBRUARY</b>	\$4,909,166	\$4,780,680	\$4,473,291	\$5,163,582	15.43%	\$5,208,187	0.86%	\$5,692,517	9.30%
<b>MARCH</b>	\$3,063,425	\$3,427,311	\$3,480,060	\$4,059,342	16.65%	\$3,957,283	-2.51%	\$4,059,634	2.59%
<b>APRIL</b>	\$3,235,437	\$2,648,256	\$3,307,525	\$3,429,942	3.70%	\$3,690,371	7.59%	\$4,028,088	9.15%
<b>MAY</b>	\$3,897,718	\$3,982,395	\$3,773,581	\$3,908,947	3.59%	\$4,447,001	13.76%	\$4,608,034	3.62%
<b>JUNE</b>	\$3,497,973	\$3,693,707	\$3,728,951	\$4,030,637	8.09%	\$4,404,651	9.28%	\$4,522,924	2.69%
<b>JULY</b>	\$3,948,039	\$3,568,964	\$3,851,488	\$3,542,215	-8.03%	\$4,349,171	22.78%	\$4,356,468	0.17%
<b>AUGUST</b>	\$3,906,898	\$4,093,476	\$4,167,224	\$4,060,288	-2.57%	\$4,361,554	7.42%		
<b>TOTAL</b>	\$43,801,620	\$44,486,126	\$45,393,489	\$48,657,267	7.19%	\$51,869,477	6.60%	\$49,125,572	3.41%
									Year to date vs. previous year



# NEWS RELEASE

MAYOR COLEEN J. SENG



LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT

3140 N Street, Lincoln NE 68510 • Phone: 441-8000

Fax: 441-8323 or 441-6229

**FOR IMMEDIATE RELEASE:** July 19, 2005

**FOR MORE INFORMATION:** Jim Weverka, Animal Control Manager, 441-7900  
Kris Johnson, Animal Control Officer, 441-7900

## **THE DANGERS OF HEAT STROKE**

As the temperatures climb into the triple digits, Lincoln Animal Control urges citizens to protect their pets from heat stroke, a dangerous and potentially fatal condition.

While humans have between 2 million and 5 million sweat glands all over their body, animals regulate their body temperature by panting and sweating through glands in their feet and nose. This relative lack of sweat glands makes a rise in an animal's body temperature more dangerous. A dog's normal body temperature is around 102°. Heat stroke occurs at temperatures between 105 and 110°. At temperatures over 107° cells begin to die, leading to damage of the vital organs and death. Young puppies, older dogs, ill or overweight dogs, and short-nosed breeds such as Boston terriers and Pugs are especially susceptible to heat stroke.

Take these preventative measures to spare yourself and your pet from the heartbreak of heat stroke:

- Provide adequate shade (other than a doghouse). If your pet's outdoor kennel does not have shade, place a tarp over it.
- Provide a constant supply of fresh water that is easily accessible to your pet throughout the day. Partially bury a bucket in the soil, put weights in the water container, or fasten the bowl to a fence or post to prevent spilling. Automatic watering devices can also be used.
- Provide your pet with a small wading pool to keep its body cool. Change the water a minimum of every three days to prevent the spread of mosquitos.
- Limit your pet's activity between the hours of 11 a.m. and 3 p.m., the hottest hours of the day.
- Pay attention to the humidity level outside. Humidity slows down the body's cooling process.

Most importantly, **NEVER** leave your pets alone in a vehicle for any period of time. This is the most common cause of heat stroke and Animal Control has already issued tickets to owners who had left their car for "just a minute" only to return and find their pet in serious danger. Rolling down the windows will not stop the temperature inside a car from reaching 120° in a matter of minutes. No matter how much your pet would love to go for a ride to the store, the best place for it is at home.

-more-

Even with precautions, hot weather sometimes catches people off guard. Heat stroke is an emergency- take action immediately to protect the life and health of your pet.

**Symptoms of heat stroke include:**

- Excessive, noisy panting
- Salivating
- Redness of the gums
- Weakness
- Staggering or collapse

**Treatment for a pet that you suspect is suffering from heat stroke:**

1. Act quickly and immerse the animal in cool ( room temperature) water if possible.
2. Apply ice packs to the head and neck.
3. Take the animal to the veterinarian immediately.

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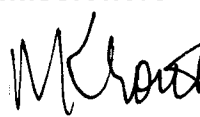


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# MEMORANDUM

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**TO:** City Council  
Lancaster County Board of Commissioners

**FROM:** Marvin Krout, Director of Planning 

**SUBJECT:** Comprehensive Plan Amendments and Updates

**DATE:** July 20, 2005

cc : Mayor Coleen Seng  
Lincoln-Lancaster County Planning Commission  
Dana Roper and Rick Peo, City Attorney's Office  
Gary Lacey and Kristy Mundt, County Attorney's Office  
Kerry Eagan, County Commissioners

Some elected board members, while reviewing recent applications to amend the Comprehensive Plan, have wondered out loud why it is necessary to hold joint or dual public hearings and require action by both boards on all these amendments. The Planning Department has reviewed this issue and concluded that the current process is not legally required, and that it simply adds time, cost, and sometimes confusion for applicants, their agents, other stakeholders, and yourselves. When Comprehensive Plan amendments clearly deal with the regulatory jurisdiction of one elected board, then that board should take the lead, hold the hearings, and make the decisions on its desired future.

The roles, responsibilities and procedures of the Planning Commission, City Council, County Board and Lincoln Mayor were laid out in an opinion of the City and County Attorneys in 1994, and these opinions were reiterated in a joint memo from the same offices in 2003 (see attached memos). These opinions state, as does the Comprehensive Plan itself, that in fact the City Council and the County Board each adopt separate plans for their jurisdictions. The two plans are combined into a single document for convenience. The memos suggest that it is not necessary for both boards to hold public hearings and take action on all items in the combined document. The memos do encourage the two boards to cooperate and exchange advice and information in areas of mutual interest, regardless of jurisdiction.

I am told that under some previous Planning Directors, Comprehensive Plan amendments were generally sent to one or the other jurisdiction for official public hearing and action. If we go back to that process, it still leaves the monthly "Common" meetings for exchanging advice and information between the two bodies regarding pending amendments as well as other planning items. Therefore, I am asking my staff to return to the prior procedural policy, as outlined below. Please let me know if you have any questions about this policy, or would like to discuss it at a future Common meeting.

1. *As a general rule, the governing body with regulatory jurisdiction (City Council within 3 miles of its municipal boundaries; County Board beyond) will hold the official public hearing on amendments to the Comprehensive Plan that are considered outside of the 5-year plan updates. This policy will apply to all items not yet scheduled for review by the governing bodies. The Planning Department will provide courtesy notice and information about those items to the other governing body throughout the public hearing process. Members of either governing body may request that discussion on proposed Comprehensive Plan amendments be scheduled for discussion at Common meetings, and may communicate concerns through correspondence or public testimony.*
2. *Some "map" amendments (regarding land use designation, road classification, etc.) may overlap into both jurisdictions. These items will be scheduled for joint public hearings, followed by joint or separate action.*
3. *"Text" amendments usually can be identified as affecting one or the other jurisdiction, and will be sent to the appropriate governing body for public hearing and action. Where that is not clearly the case, the amendments will be scheduled for joint public hearings, followed by joint or separate action.*
4. *The City Council and County Board are final authority regarding the Comprehensive Plan under state law. But the federal government requires a document called the Long Range Transportation Plan (LRTP) in order to maintain eligibility for federal transportation funds. Under agreement with the federal government, the Officials Committee – comprised of the Mayor, Council Chair, County Board Chair and Vice-Chair, and state roads director – is the final local approving body for the LRTP. Until recently, the Officials Committee has always endorsed the transportation chapter of the Comprehensive Plan without change. However, recent issues suggest that there may be differences in the future, and so there should be an official note where the Officials Committee's LRTP varies from the Comprehensive Plan.*
5. *Staff will continue to discuss the major update of the Plan with the two governing bodies at Common meetings over the next 18 months. We will plan to bring the entire updated Plan, as recommended by the Planning Commission, to both governing bodies for joint public hearing and action.*
6. *Staff will continue to publish one Plan document, noting differences when the governing bodies have shared jurisdiction and take different actions.*

**Attachments**

i:\msk\CPA Procedures 07-05

INTER-DEPARTMENT COMMUNICATION

TO Mayor Coleen Seng  
City Council  
County Board

DATE May 22, 2003

DEPARTMENT

FROM Rick Peo  
Dave Johnson

ATTENTION

DEPARTMENT City Attorney  
County Attorney

COPIES TO Planning Commission

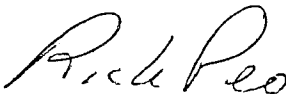
SUBJECT Annual Review of the  
Comprehensive Plan

The provisions in the Comprehensive Plan regarding an annual review provide that, as part of the first annual review, the City Attorney and County Attorney offices will prepare a report detailing the process and standards to be used in future Comprehensive Plan updates and annual reviews for handling plan adoption and proposed amendments.

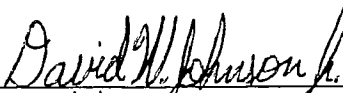
The City Attorney and County Attorney believe that the report is not necessary as the specific roles, responsibilities, and procedures of the City-County Planning Commission, Lincoln City County, Lancaster County Board, and Lincoln Mayor in the Plan adoption amendment process are sufficiently provided for in the August 2, 1994 Joint Opinion of City Attorney and County Attorney on Comprehensive Plan Jurisdiction and the August 22, 1994 Opinion from Bill Austin to Mayor Johanns regarding the required number of votes to adopt proposed amendments to the Comprehensive Plan by the Lincoln City Council. The two opinions are attached hereto marked as Attachments "A" and "B" respectively.

We continue to have no objection to the County and City cooperating and exchanging advice and information in regard to changes in the Comprehensive Plan regardless of jurisdiction. For example, transportation changes in the Comprehensive Plan within the three-mile area would be an obvious place for cooperation between the two governing bodies. In this area, only the City has decision-making authority to classify streets and to identify future street improvements in the Comprehensive Plan. However, the County has sole responsibility and jurisdiction to maintain and improve the roads within the three-mile limit. Therefore, cooperation should be encouraged as the City cannot compel the County to make road improvements within the three mile area by merely revising the City's Comprehensive Plan to show those improvements.

Sincerely,



Rick Peo  
Chief Assistant City Attorney



Dave Johnson  
Deputy County Attorney

RECEIVED

JUN 11 2003

LINCOLN CITY/LANCASTER COUNTY  
PLANNING DEPARTMENT

## INTER-DEPARTMENT COMMUNICATION

TO	Mayor Mike Johanns	DATE	August 2, 1994
DEPARTMENT		FROM	William F. Austin
ATTENTION		DEPARTMENT	City Law
COPIES TO	City Council County Board Planning Commission	SUBJECT	Joint Opinion of City Attorney and County Attorney on Comprehensive Plan Jurisdiction

On May 18, 1994, you requested that the City Law Department work with the County Attorney's Office in reviewing applicable law and developing a consensus opinion on the respective jurisdiction of the City of Lincoln and the County of Lancaster in relation to the adoption, and subsequent amendment, of a comprehensive plan. A number of statutory provisions are pertinent to this inquiry but it is important to keep in mind that, generally, the comprehensive plan constitutes a condition predicate to the adoption and enforcement of zoning regulations by either the City or the County.

First, Neb. Rev. Stat. § 15-902 provides, in pertinent part:

Every city of the primary class shall have power in the area which is within the city or within three miles of the corporate limits of the city and outside of any organized city or village to regulate and restrict the location, height, bulk, and size of buildings and other structures; the percentage of a lot that may be occupied; the size of yards, courts, and other open spaces; the density of population; and the locations, and uses of buildings, structures, and land for trade, industry, business, residence, and other purposes. Such city shall have the power in this area to divide the area zoned into districts of such number, shape, and area as may be best suited to carry out the purposes of this section and to regulate, restrict, or prohibit the erection, construction, reconstruction, alteration, or use of buildings, structures or land within the total area zoned or within districts....Such zoning regulations shall be designed to secure safety from fire, flood, and other dangers and to promote the public health, safety, and general welfare and shall be made with consideration having been given to the character of the various parts of the area zoned and their peculiar suitability for particular uses and types of development and with a view to conserving the property values and encouraging the most appropriate use of land throughout the area zoned, in accordance with a comprehensive plan. (Emphasis supplied).

Second, Neb. Rev. Stat. § 15-1102, which relates to cities of the primary class (Lincoln), states:

The general plan for the improvement and development of the city of the primary class shall be known as the comprehensive plan....

Third, Neb. Rev. Stat. § 23-174.05 relating to the County's comprehensive plan provides:

The general plan for the improvement and development of the county outside of the jurisdiction of any city or village shall be known as the comprehensive plan....

Thus, it is clear that the County jurisdiction and the City jurisdiction in the adoption of a comprehensive plan are not overlapping, but are instead territorially discrete with the County jurisdiction being limited to that area outside of the jurisdiction of the City. While the use of the term "jurisdiction" as used in Neb. Rev. Stat. § 23-174.05 is not defined, it is reasonably clear that the jurisdiction referred to is the zoning jurisdiction, i.e. corporate limits plus three miles, since the primary purpose and impetus for the adoption of a comprehensive plan is to fulfill the condition precedent necessary to exercising zoning jurisdiction.

It is true that the City and the County have entered into an interlocal agreement regarding the creation of a joint Lincoln City-Lancaster County Planning Commission which is responsible for the preparation of the comprehensive plan for both the City and the County. Nevertheless, this utilization of the Interlocal Cooperation Act (Neb. Rev. Stat. § 13-801 et seq.) does not transform the comprehensive plans of the City and the County into a unified plan because the Interlocal Cooperation Act only provides that:

Any power or powers, privileges, or authority exercised or capable of exercise by a public agency of this state may be exercised and enjoyed jointly with any other public agency of this state having such power or powers, privileges, or authority...

Neb. Rev. Stat. § 13-804(1). Since the zoning and comprehensive plan jurisdiction of the City and the County are territorially discrete, there is no overlap or concurrency which would permit joint exercise of the comprehensive planning authority of both bodies. In contrast, for instance, the City and the County can create a joint personnel department, because both have authority to hire employees, or both could agree to jointly operate parks because both have authority to acquire and operate park systems countywide.

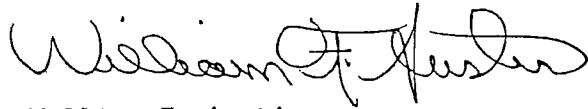
Thus, the comprehensive plans which have been adopted in 1977 and 1985, and which presumably will be proposed this year, could more properly be called coordinated plans of the City and the County since both have engaged in the salutary goal of formulating plans which fit together and are functional in relation one to the other. Indeed, there are some areas in which there must be necessary overlap and general agreement. For instance, road networks must be planned far into the future and, particularly with the municipal future street and road network, must contemplate extensions beyond the three mile limit in many

cases. To have coordination on such issues is a necessity and certainly the adoption of uniform plans in this regard should be encouraged.

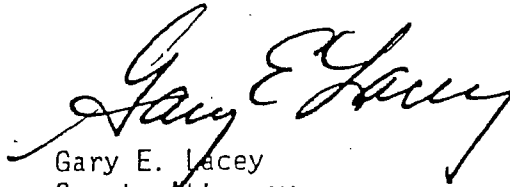
However, specific land use activities within the separate zoning and comprehensive planning jurisdictions of the City and the County require approval only of the governing body of the entity within which the proposed activity would take place. Particularly in the area of amendments to the comprehensive plan, there is no need to forward comprehensive plan amendments to both bodies, unless of course there is a true overlap of activities, which is not completely out of the question. However, barring such a rare circumstance, only the City must approve comprehensive plan amendments for amendments requested within its jurisdiction, and only the County need approve comprehensive plan amendments for proposed amendments occurring within its jurisdiction.

This is a joint opinion of both the County and City Attorneys.

Sincerely,



William F. Austin  
City Attorney



Gary E. Lacey  
County Attorney

WFA/ce

## INTER-DEPARTMENT COMMUNICATION

TO	Mayor Johanns	DATE	August 22, 1994
DEPARTMENT		FROM	Bill Austin
ATTENTION		DEPARTMENT	City Law
COPIES TO	Tim Stewart City Council Planning Commission	SUBJECT	Required number of votes to adopt amendments to proposed comprehensive plan

You have asked for an opinion as to the number of votes by City Council members that are required to adopt amendments to the Comprehensive Plan as recommended by the Planning Commission. The question arises as to whether proposed amendments to the main motion of Comprehensive Plan adoption constitute the "adoption" of amendments by the City Council, thus requiring five votes, or whether proposed amendments to the main motion adopting the Comprehensive Plan are "interim" motions not requiring five votes for adoption but thereafter necessitating a five vote majority for approval of the main motion.

Neb. Rev. Stat. § 15-1103 provides that:

"The City Council shall review the recommendations of the Planning Commission and, after at least one public hearing on each proposed action, shall adopt or reject such plans as submitted, except that the City Council may, by an affirmative vote of at least five members of the City Council, adopt a plan or amendments to the proposed plan different from that recommended by the Planning Commission."

It is the opinion of this office that the above-quoted statute applies to amendments to the main motion and requires five votes for adoption of amendments to the main motion.

DISCUSSION

Prior to 1975 Neb. Rev. Stat. § 15-1103 provided as follows:

"The Planning Director shall be responsible for preparing the Comprehensive Plan and all amendments and extensions thereto, and for submitting such plans and modifications to the City Planning Commission for its consideration and action. The Commission shall review such plans and modifications and, after holding at least one public hearing on each proposed action, shall approve or reject such plans in whole or in part with or without modifications. The Commission shall submit certified copies of all plans, amendments, and

extensions which it adopts to the Mayor and Council of such city of the primary class."

In 1975, when the City of Lincoln was in the course of preparing what became its 1977 Lincoln-Lancaster County Regional Plan, a proposal was made to amend various sections of the planning statutes relating to primary class cities. Senator Jerry Warner introduced LB 111 in the first session of the 84th Legislature in 1975. As originally proposed, this bill was intended to revise the planning statutes to conform to requirements imposed on local governments by the Federal Housing and Community Development Act of 1974. As originally introduced, the bill did not change the procedure for adoption of the Comprehensive Plan.

However, then Senator Doug Bereuter proposed amendments that would require the City Council to adopt or reject the plan as prepared. Later, the City Council agreed to further amendments that were introduced by Sen. Bereuter during the course of the floor debate to the effect that a majority of the City Council could override Planning Commission recommendations. As a result, Neb. Rev. Stat. § 15-1101 in its present form provides:

"The Planning Director shall be responsible for preparing the Comprehensive Plan and amendments and extensions thereto, and for submitting such plans and modifications to the City Planning Commission for its consideration and action. The Commission shall review such plans and modifications and those which the City Council may suggest and, after holding at least one public hearing on each proposed action, shall provide its recommendations to the City Council within a reasonable period of time. The City Council shall review the recommendations of the Planning Commission and, after at least one public hearing on each proposed action, shall adopt or reject such plans as submitted except that the City Council may, by an affirmative vote of at least five members of the City Council, adopt the plan or amendments to the proposed plan different from that recommended by the Planning Commission."

Unfortunately, the statute is not very precise as to its meaning, and the legislative history, because of the origin of the wording in question, is of little if any help. However, the statute seems to set up four possibilities:

1. The City Council, by a simple majority, may adopt the plan as recommended;
2. The City Council, by a simple majority, may reject the plan as submitted;
3. The City Council may, by an affirmative vote of at least five members of the City Council, adopt a plan different from that recommended by the Planning Commission;



4. The City Council may, by an affirmative vote of at least five members of the City Council, adopt amendments to the proposed plan different from that recommended by the Planning Commission.

The crux of the problem lies in number 4 and, while reasonable minds could certainly differ, it would seem that this language must contemplate that five votes are necessary simply to adopt an amendment to the main motion to approve the Comprehensive Plan. If this language did not require five votes for an amendment, then it would be redundant, for once the main motion is amended to include provisions different from the recommendations of the Planning Commission, that main motion becomes ipso facto, a plan different from that recommended by the Planning Commission and that contingency is already provided for in the statute requiring five votes.

Furthermore, the statute speaks in terms of amendments to the proposed plan. From a parliamentary standpoint, an amendment ceases to be an amendment once it is adopted and thereupon becomes part of the main motion. Thus, the specific reference to the number of votes required to adopt amendments to the proposed plans seems significant and is apparently intended to effect a legislative modification of the standard parliamentary rule that an amendment requires only a majority vote even in cases where the question to be amended takes a super majority for adoption. (Roberts Rules of Order, newly revised, § 12 p. 112).

Finally, this position is also supported by the fact that that same phrase refers to amendments to the "proposed plan." This language would seem to imply two things: First, that five votes are needed to make amendments to a plan that is still proposed i.e. still under consideration. This would seem to negate the idea that a final five vote approval of a plan as amended would suffice since you would then not be amending the proposed plan. Second, the use of the phrase "proposed plan" eliminates the possibility that this language was intended to only refer to future subsequent amendments to the already adopted plan. Instead, it seems to clearly refer to amendments to a plan then under consideration.

For the above reasons, this office believes that every amendment that the City Council may propose when considering the Comprehensive Plan will require, for adoption, a vote of five of the members. From a historical standpoint, the City Council does not appear to have deviated from this requirement since a review of the actions surrounding the adoption of the 1977 and 1985 Comprehensive Plans shows that all amendments thereto were approved with a vote of at least five members. However, there were, admittedly, no four to three votes which required a ruling, nor was there any specific discussion in the minutes regarding this statutory requirement. From a logical standpoint, however, it seems appropriate to require five votes for each amendment to the Comprehensive Plan since a lesser requirement could cause an amended plan to be unpassable. If amendments could be made to the plan by a vote of four to three, the plan, which would then require five votes for passage, may never be able to muster the super majority necessary to pass

it, while also not permitting outright rejection by a four to three vote to reject. In contrast, if every amendment to the proposed plan must be able to muster five votes, it is at least reasonably likely that the proposed plan, which now differs from the recommendations of the Planning Commission, will be given the five votes necessary to pass it. It should be kept in mind that the plan, once amended, must thereafter receive five votes for passage as a plan different from that recommended by the Planning Commission.

Sincerely,


A handwritten signature in cursive script, appearing to read "William F. Austin".

William F. Austin  
City Attorney

WFA/tb

**PLANNING COMMISSION FINAL ACTION**  
**NOTIFICATION**

**TO :** Mayor Coleen Seng  
Lincoln City Council

**FROM :** Jean Walker, Planning 

**DATE :** July 21, 2005

**RE :** **Special Permit No. 692M**  
(Amendment to the Tabitha New Community 3<sup>rd</sup> Addition Community Unit Plan)  
**Resolution No. PC-00939**

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, July 20, 2005:

Motion made by Larson, seconded by Esseks, to approve **Special Permit No. 692M**, with conditions, requested by the Tabitha New Community Homeowners Association, to amend the Tabitha New Community 3<sup>rd</sup> Addition Community Unit Plan to add five units of elderly or retirement housing and a club house, together with a request to waive front, side and rear yard setbacks, on property generally located at North 27<sup>th</sup> Street and Folkways Boulevard.

Motion for conditional approval carried 8-0 (Larson, Carroll, Sunderman, Esseks, Carlson, Pearson, Taylor and Bills-Strand voting 'yes'; Krieser absent).

The Planning Commission's action is final, unless appealed to the City Council by filing a Letter of Appeal with the City Clerk within 14 days of the date of the action by the Planning Commission.

**Attachment**

cc: Building & Safety  
Rick Peo, City Attorney  
Public Works  
Brian D. Carstens and Associates, 601 Old Cheney Road, Suite C, 68512  
Hank Buis, Tabitha New Community H.O. Assn., 5720 Enterprise Dr., 68521  
John Schleich, Southview, Inc., 8020 O Street, 68510  
Louis and Beverly Keller, 5559 N. 26<sup>th</sup> Place, 68521  
Donald and Marilyn Defreeze, 2635 Blaine Court, 68521  
Jerry Morrison, 5651 Enterprise Dr., 68521

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RESOLUTION NO. PC- 00939

SPECIAL PERMIT NO. 0692M

1           WHEREAS, Tabitha New Community Homeowners Association has  
2 submitted an application designated as Special Permit No. 0692M to amend the Tabitha  
3 New Community 3rd Addition Community Unit Plan to add five units of elderly or  
4 retirement housing and a club house, together with a request to waive front, side, and  
5 rear yard setbacks, on property generally located at N. 27th Street and Folkways Blvd.  
6 and legally described as:

7           Outlot A, Block 11, Tabitha New Community Addition; Lots 2  
8 through 4, Block 1, Lots 1 through 31, Block 2; Outlot A,  
9 Tabitha New Community 4th Addition; Lots 1 and 2, Block 1;  
10 Outlot A, Tabith New Community 5th Addition; vacated  
11 Farmstead Road and vacated Williamson Way, Lincoln,  
12 Lancaster County, Nebraska;

13           WHEREAS, the Lincoln City-Lancaster County Planning Commission has  
14 held a public hearing on said application; and

15           WHEREAS, the community as a whole, the surrounding neighborhood,  
16 and the real property adjacent to the area included within the site plan for this amended  
17 community unit plan will not be adversely affected by granting such a permit; and

18           WHEREAS, said site plan together with the terms and conditions  
19 hereinafter set forth are consistent with the comprehensive plan of the City of Lincoln

1 and with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the  
2 public health, safety, and general welfare.

3 NOW, THEREFORE, BE IT RESOLVED by the Lincoln City-Lancaster  
4 County Planning Commission of Lincoln, Nebraska:

5 That the application of Tabitha New Community Homeowners Association,  
6 hereinafter referred to as "Permittee", to amend the Tabitha New Community 3rd  
7 Addition Community Unit Plan to add five units of elderly or retirement housing and a  
8 club house be and the same is hereby granted under the provisions of Chapter 27.65  
9 and Section 27.63.320 the Lincoln Municipal Code upon condition that construction of  
10 said housing and club house be in strict compliance with said application, the site plan,  
11 and the following additional express terms, conditions, and requirements:

12 1. This permit approves 41 dwelling units with waivers to the front,  
13 side and rear yard setbacks and a community club house.

14 If any final plat on all or a portion of the approved community unit  
15 plan is submitted five (5) years or more after the approval of the community unit plan,  
16 the city may require that a new community unit plan be submitted, pursuant to all the  
17 provisions of section 26.31.015. A new community unit plan may be required if the  
18 subdivision ordinance, the design standards, or the required improvements have been  
19 amended by the city; and as a result, the community unit plan as originally approved  
20 does not comply with the amended rules and regulations.

21 Before the approval of a final plat, the public streets, private  
22 roadway improvements, sidewalks, sanitary sewer system, water system, drainage  
23 facilities, land preparation and grading, sediment and erosions control measures, storm  
24 water detention/retention facilities, drainageway improvements, street lights,

landscaping screens, street trees, temporary turnaround and barricades, and street name signs, must be completed or provisions (bond, escrow or security agreement) to guarantee completion must be approved by the City Law Department. The improvements must be completed in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance.

2. The Planning Director may approve final plats after the Permittee has signed an agreement which binds the Permittee and Permittee's successors and assigns:

- a. To complete the paving of private roadway shown on the final plat within two (2) years following the approval of the final plat.
- b. To complete the installation of sidewalks along both sides of Farmstead Rd., Blaine Dr. and N. 26<sup>th</sup> Place as shown on the final plat within four (4) years following the approval of the final plat.
- c. To complete the public water distribution system to serve the plat within two (2) years following the approval of the final plat.
- d. To complete the public wastewater collection system to serve the plat within two (2) years following the approval of the final plat.
- e. To complete the enclosed public drainage facilities shown on the approved drainage study to serve the plat within two (2) years following the approval of the final plat.
- f. To complete the enclosed private drainage facilities shown on the approved drainage study to serve the plat within two (2) years following the approval of the final plat.
- g. To complete the installation of private street lights along Farmstead Rd., Blaine Dr. and N. 26<sup>th</sup> Place within the plat within two (2) years following the approval of the final plat.

- 1 h. To complete the planting of the street trees along Farmstead  
2 Rd., Blaine Dr., and N. 26<sup>th</sup> Place within the plat within four  
3 (4) years following the approval of the final plat.
- 4 i. To complete the installation of the street name signs within  
5 two (2) years following the approval of the final plat.
- 6 j. To complete any other public or private improvement or  
7 facility required by Chapter 26.23 (Development Standards)  
8 of the Land Subdivision Ordinance in a timely manner which  
9 inadvertently may have been omitted from the above list of  
10 required improvements.
- 11 k. To submit to the Director of Public Works a plan showing  
12 proposed measures to control sedimentation and erosion  
13 and the proposed method to temporarily stabilize all graded  
14 land for approval.
- 15 l. To complete the public and private improvements shown on  
16 the Community Unit Plan
- 17 m. To maintain the outlots and private improvements on a  
18 permanent and continuous basis, and to recognize that there  
19 may be additional maintenance issues or costs associated  
20 with providing for the proper functioning of stormwater  
21 detention/retention facilities as they were designed and  
22 constructed within the development and these are the  
23 responsibility of the Subdivider; and to retain ownership of or  
24 the right of entry to the outlots in order to maintain the outlots  
25 and private improvements on a permanent and continuous  
26 basis. However, the Subdivider may be relieved and  
27 discharged of such maintenance obligations only upon  
28 creating, in writing, a permanent and continuous association  
29 of property owners who would be responsible for said  
30 permanent and continuous maintenance subject to the  
31 following conditions:
- 32 (a) Subdivider shall not be relieved of Subdivider's  
33 maintenance obligation for each specific private  
34 improvement until a registered professional engineer  
35 or nurseryman who supervised the installation of said  
36 private improvement has certified to the City that the  
37 improvement has been installed in accordance with  
38 approved plans; and

(b) The maintenance agreements are incorporated into covenants and restrictions in deeds to the subdivided property and the documents creating the association and the restrictive covenants have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.

n. To continuously and regularly maintain the street trees along the private roadways and landscape screens.

o. To submit to the lot buyers and home builders a copy of the soil analysis.

p. To comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.

q. To protect the trees that are indicated to remain during construction and development

r. To properly and continuously maintain and supervise the private facilities which have common use or benefit, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development, and that these are the responsibility of the land owner.

s. To relinquish the right of direct vehicular access from Lots 3-7, Block 1 and Lots 1-9, Block 2 to N. 27<sup>th</sup> St.

3. Before receiving building permits:

a. The Permittee shall submit a revised site plan including five copies showing the following revisions to the Planning Department office for review and approval:

i. Show utility easements as requested by the June 27, 2005 LES report.

ii. Correct the legal description.

iii. Delete requested waiver #27. The waiver is not required.

iv. Relocate the driveway to the clubhouse from Blaine Dr. to N. 26<sup>th</sup> Place at the end of the cul-de-sac.



1 v. A permanent final plan with 5 copies as approved.

2  
3 b. Ornamental street lights for private roadways and pedestrian  
4 way easements are approved by L.E.S.

5 c. The construction plans comply with the approved plans.

6 d. Final plat(s) is/are approved by the City.

7  
8 4. Before occupying the units all development and construction is to  
9 comply with the approved plans.

10 5. All privately-owned improvements, including landscaping and  
11 recreational facilities, are to be permanently maintained by the owner or an  
12 appropriately established homeowners association approved by the City.

13 6. The site plan accompanying this permit shall be the basis for all  
14 interpretations of setbacks, yards, locations of buildings, location of parking and  
15 circulation elements, and similar matters.

16 7. This resolution's terms, conditions, and requirements bind and  
17 obligate the permittee, its successors and assigns.

18 8. The applicant shall sign and return the letter of acceptance to the  
19 City Clerk within 30 days following the approval of the special permit, provided,  
20 however, said 30-day period may be extended up to six months by administrative  
21 amendment. The clerk shall file a copy of the resolution approving the special permit  
22 and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in  
23 advance by the applicant.

24 9. The site plan as approved with this resolution voids and supersedes  
25 all previously approved site plans, however all resolutions approving previous permits  
26 remain in force unless specifically amended by this resolution.

1                   The foregoing Resolution was approved by the Lincoln City-Lancaster  
2   County Planning Commission on this 20 day of July, 2005.

ATTEST:

/S/ *Original signed by*  
    *Mary F. Bills-Strand*

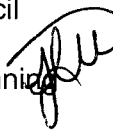
\_\_\_\_\_  
Chair

Approved as to Form & Legality:

  
\_\_\_\_\_  
Chief Assistant City Attorney

**PLANNING COMMISSION FINAL ACTION**  
**NOTIFICATION**

**TO :** Mayor Coleen Seng  
Lincoln City Council

**FROM :** Jean Walker, Planning 

**DATE :** July 21, 2005

**RE :** **Special Permit No. 05034**  
(16<sup>th</sup> and South Streets)  
**Resolution No. PC-00940**

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, July 20, 2005:

Motion made by Carroll, seconded by Taylor, to approve **Special Permit No. 05034**, with conditions, requested by J.D. Burt of Design Associates on behalf of Growth Management Corporation, to allow a parking lot in a residential district to serve an adjacent commercial use, on property located at 16<sup>th</sup> and South Streets.

Motion for conditional approval carried 8-0 (Larson, Carroll, Sunderman, Esseks, Carlson, Pearson, Taylor and Bills-Strand voting 'yes'; Krieser absent).

The Planning Commission's action is final, unless appealed to the City Council by filing a Letter of Appeal with the City Clerk within 14 days of the date of the action by the Planning Commission.

Attachment

cc: Building & Safety  
Rick Peo, City Attorney  
Public Works  
JD Burt, Design Associates, 1609 N Street, Suite 100, 68508  
Roger Moore, Growth Management Corporation, 3201 Pioneers Blvd., 68502  
Union Bank and Trust Co., Trustee, 6801 S. 27<sup>th</sup> Street, 68512  
Jon Carlson, Near South N.A., P.O. Box 80143, 68501  
James Garver, Near South N.A., 815 Elmwood Avenue, 68510-3319  
Sarah Disbrow, Near South N.A., 1903 Sewell Street, 68503

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RESOLUTION NO. PC- 00940

SPECIAL PERMIT NO. 05034

1               WHEREAS, Growth Management Corporation has submitted an applica-  
2               tion designated as Special Permit No. 05034 to allow a parking lot in a residential district  
3               to serve an adjacent commercial use on property located at 16th and South Streets and  
4               legally described as:

5               Lot 15, Maxwell Addition, Lincoln, Lancaster County,  
6               Nebraska;

7               WHEREAS, the Lincoln City-Lancaster County Planning Commission has  
8               held a public hearing on said application; and

9               WHEREAS, the community as a whole, the surrounding neighborhood,  
10              and the real property adjacent to the area included within the site plan for this parking  
11              lot will not be adversely affected by granting such a permit; and

12              WHEREAS, said site plan together with the terms and conditions  
13              hereinafter set forth are consistent with the comprehensive plan of the City of Lincoln  
14              and with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the  
15              public health, safety, and general welfare.

16              NOW, THEREFORE, BE IT RESOLVED by the Lincoln City-Lancaster  
17              County Planning Commission of Lincoln, Nebraska:

1           That the application of Growth Management Corporation, hereinafter  
2 referred to as "Permittee", to allow a parking lot in a residential district to serve an  
3 adjacent commercial use be and the same is hereby granted under the provisions of  
4 Section 27.63.170 the Lincoln Municipal Code upon condition that construction of said  
5 parking lot be in strict compliance with said application, the site plan, and the following  
6 additional express terms, conditions, and requirements:

7           1.     This permit approves the use of a parking lot on property zoned R-2  
8 Residential.

9           2.     Before receiving building permits:

10           a.    The Permittee must complete the following instructions and  
11 submit the documents and plans, along with 3 copies, to the  
12 Planning Department office for review and approval.

13           i.    Remove general note 11 and the 75' residential buffer  
14 from the site plan.

15           ii.   Provide the grading and drainage plan requested by  
16 Public Works and Utilities - Watershed Management.

17           b.    The construction plans comply with the approved plans.

18           3.    Before utilizing this parking lot, all development and construction  
19 must conform with the approved plans.

20           4.    All privately-owned improvements, including landscaping and  
21 screening, must be permanently maintained by the owner.

22           5.    The site plan approved by this permit shall be the basis for all  
23 interpretations of setbacks, yards, locations of buildings, location of parking and  
24 circulation elements, and similar matters.

1                   6.     The terms, conditions, and requirements of this resolution shall be  
2 binding and obligatory upon the Permittee and the Permittee's successors and assigns.  
3 The building official shall report violations to the City Council which may revoke the  
4 special permit or take such other action as may be necessary to gain compliance.

5                   7.     The Permittee shall sign and return the City's letter of acceptance  
6 to the City Clerk within 30 days following approval of the special permit, provided,  
7 however, said 30-day period may be extended up to six months by administrative  
8 amendment. The City Clerk shall file a copy of the resolution approving the special  
9 permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be  
10 paid in advance by the Permittee.

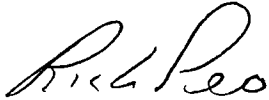
11                   The foregoing Resolution was approved by the Lincoln City-Lancaster  
12 County Planning Commission on this 20 day of July, 2005.

ATTEST:

/S/ *Original signed by*  
*Mary F. Bills-Strand*

\_\_\_\_\_  
Chair

Approved as to Form & Legality:



\_\_\_\_\_  
Chief Assistant City Attorney

July 7, 2005

Star Tran  
710 J St.  
Lincoln, Nebraska 68508

Gentlemen:

I called your office in the early part of May, 2005 about the timetables being removed from the inside of the Gold Bldg. I was told the new owners of the Gold Bldg. removed them because they were going to rent out that area to New tenants. I have called your office several times since and have excuses as to why the time tables have not been placed to inform Star Tran passengers

arrival and departure times of various bus routes.

The management of Star Tran has had 4 months to post the timetables. There is old stand where they were placed several years ago. Your excuse for not using it is the vandals used to deface and make the timetables unreadable. This type of timetable

area is used many other places in Lincoln along Star Tran routes with apparently very little defacing. ~~What the~~

+ and use that facility!!!!

You are very inefficient and need to get motivated. Quit making excuses and do something about this problem.

USE THE OLD STAND. IT IS STILL THERE

Sincerely

Charles W. Swingle

2800 Woods Blvd. #0 703

BUS USER

Lincoln, Nebraska 68502

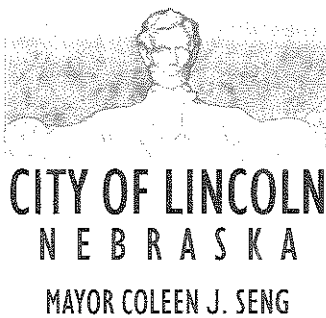
copy to Mayor Seng

MAJOR, LINCOLN, NEBRASKA

Copies to Lincoln City council Members

Copy Journal Star Newspaper

copy OMA World Herald Lincoln News Desk



lincoln.ne.gov

StarTran  
Public Works and Utilities Department  
710"J" Street  
Lincoln, Nebraska 68508  
402-441-7185  
fax: 402-441-7055



July 18, 2005

Mr. Charles Swingle  
2600 Woods Blvd, #703  
Lincoln, NE 68502

Dear Mr. Swingle:

We are in receipt of your July 7, 2005 correspondence in which you expressed concern as to the need to post StarTran route/schedule information proximate to the 11<sup>th</sup> & "N" Streets bus stop.

It is acknowledged that, for some time, StarTran was utilizing the window space of a vacant office in the Gold's Building adjacent to the StarTran bus shelters to post route/schedule information. The information was posted inside the window facing the bus stop area, to insure that the information was not defaced or removed. That office space has since been rented, and is not available.

We also acknowledge the desirability to have route/schedule information posted proximate to this bus stop. However, there is no secure location to post such information. I would note, however, that funding is being proposed to refurbish the 11<sup>th</sup> & "N" Streets bus stop facility. Securement of such funding would expect to result in several improvements to the current facilities, including the provision of a secure display area for route/schedule information. We look forward to these improvements to enhance the utilization of this bus stop by StarTran patrons.

We appreciate your suggestions, and your patronage of StarTran services. Enclosed for your information is the StarTran "Ride Guide", which contains the routes/schedules of all StarTran services – we hope this information will be of assistance.

Sincerely,

Larry D. Worth  
Transit Manager

Enclosure

[scheduleinfo@golds](mailto:scheduleinfo@golds)



July 17, 2005

## City/County Wheel Tax

I have spoken to the Council and sent a letter to the Mayor. I am a **strong proponent** to increasing the tax base for Lincoln. I am a **strong opponent** to the suggested wheel tax for the City/County.

I have suggested a City Wheel Tax. I am a **strong proponent to a CITY WHEEL TAX**. The wheel tax should not be increased for residents in the City or County!

**A wheel tax should be imposed on any person not residing in the City and working within the city limits; or attending school within the city limits!** Don't say this can't be enforced.

The **City Council and Mayor ENFORCED** the telephone company to collect the 911 surcharge. This same group could enforce employers, businesses and schools to collect and submit the tax to the City.

## **How to regulate and enforce**

There are several avenues to collect the tax. The most successful would be for employers and schools to collect the fee; issue a license/window/bumper sticker/tag for the individual to display. The schools and employers have the personal address information. The employee/student would either have to pay the fee and attach the sticker/tag; or sign a release indicating they don't drive a personal car for work or school. They could also indicate they car pool and the fee is paid by another individual.

Businesses would have to go to the licensing bureau or city/county building to pay the fee and obtain a sticker/tag. There are numerous companies and businesses with vehicles licensed outside the city and conducting business within the city.

Any individual or business not adhering to the law, would be fined \$50 and made to purchase a city vehicle wheel tax sticker/tag for the first offense. If a second vehicle is observed belonging to a business or individual of not adhering to the law; a fine of \$500 and the purchase of a vehicle sticker/tag.

A person living in the county, and not working or attending school within the city, **should not be forced to pay a city wheel tax**. If people do not have a direct monetary or educational benefit from visiting the city, they should not be taxed to care for our street infrastructure. Border developments to the city which desire annexation, should pay for their own roads and walkways.

Richard Esquivel  
733 W Cuming St  
Lincoln, Ne 68521-4334  
402/477-4734



**DO NOT REPLY to this -  
InterLinc  
<none@lincoln.ne.gov>  
07/20/2005 10:06 AM**

To General Council <council@lincoln.ne.gov>  
cc  
bcc  
Subject InterLinc: Council Feedback

InterLinc: City Council Feedback for  
General Council

Name: Pamela Grieser  
Address: 925 So. 6th Street  
City: Lincoln, NE 68508  
  
Phone: 402-474-5958  
Fax:  
Email: radWBba@juno.com

Comment or Question:

I have many family members who fought in wars, an older brother who was in Vietnam, my younger brother is getting ready to go to Iraq. They did, and do all this for our freedoms, right? What happened to our "freedom of choice"? What happened to "equality for ALL"? You have shown great equality for all non-smokers...what about the rest of us? When it says equality for ALL, I think it means for ALL people...smokers, non-smokers, men, women, children, black, white, red, brown, and every other color! Yes, I am a smoker, and when I go out to eat, I don't like smoke going up my nose when I'm eating; so, I'm fine with not smoking in restaurants. But, there are bars that do not serve food, where children can not go; some should be for smokers, and some should be for non-smokers...Doesn't this sound more fair to everyone? I wonder what my Great, Great Uncle George L. Sheldon would think.

July 13, 2005

Dear Councilman/woman:

My name is Billy Vogel. I am a Boy Scout from Troop 54 here in Lincoln. I am writing to discuss the intersections of 70<sup>th</sup> & Hwy. 2 and 70<sup>th</sup> & Pine Lake. First, I think there should be a right turn lane for eastbound traffic on Hwy. 2. I believe that a right turn lane would help keep the follow of traffic on Hwy. 2 up. Without it many people use the shoulder where they should not be driving. Also there are left turn lanes going both ways and a right turn lane for westbound traffic, so there seems like there is no reason not to have one for eastbound traffic.

Now, concerning 70<sup>th</sup> & Pine Lake, the light there is very annoying. Every time we go home that way we have to stop at the light, yet no one is coming on Pine Lake. Then when we get the green light to go there is traffic coming Pine Lake thus, making both ways stop. That makes no sense to me at all. If possible it would be nice if you could time the lights at 70<sup>th</sup> & Pine Lake and 70<sup>th</sup> & Hwy 2 so that you could make either one or both lights going in in the morning and coming home in the evening. I am sure this would help a lot of people out. I constantly travel through these intersections because of where I live. If I have written to the wrong person please forward this letter to the right person.

Sincerely,

Billy Vogel

RECEIVED  
JUL 18 2005  
CITY COUNCIL  
OFFICE



Dave Heineman  
Governor

# STATE OF NEBRASKA

## DEPARTMENT OF ECONOMIC DEVELOPMENT

301 Centennial Mall South

P.O. Box 94666

Lincoln, Nebraska 68509-4666 USA

Phone (402) 471-3111

Toll Free (800) 426-6505

Fax (402) 471-3778

Statewide Relay (800) 833-0920 (voice)

[www.neded.org](http://www.neded.org)

July 7, 2005

Lincoln City Council  
555 S 10th St, Room 111  
Lincoln, NE 68508

RECEIVED  
JUL 18 2005  
CITY COUNCIL  
OFFICE

Dear Lincoln City Council:

During its 2005 session, the Nebraska Legislature passed the Nebraska Opportunity Zone Act, LB 546, introduced by Senator Pam Brown and several other senators. The Act notes the opportunities for economic development through regional cooperation along the I-80 corridor across the state. It encourages the formation of regional opportunity zones along this corridor for the purpose of fostering such cooperation and making recommendations to the proper entities regarding development. More specifically, the Act creates the Nebraska Innovation Zone Commission covering areas between and in the vicinity of Lincoln and Omaha and designates representation to this 19-member body. Lincoln City Council is identified in the Act to appoint one member of the Commission.

The Department of Economic Development is designated to provide administrative and technical support to the Commission. We are making this contact to ask that you identify your representation and inform us so that an initial meeting of the Commission can occur soon. The Act does not specify that representatives be members of your council, so you have flexibility in your selection. We will make arrangements for the meeting and contact all designees. Funding was also appropriated to support the Commission at \$66,999 for FY2005-06 and \$68,965 for FY2006-07.

I am enclosing a copy of the Act and its companion A-bill for your review. If you have questions, please don't hesitate to contact me at 402-471-3783. I look forward to being informed of your appointees.

Sincerely,

Stu Miller  
Deputy Director

## LEGISLATIVE BILL 546

Approved by the Governor May 31, 2005

Introduced by Brown, 6; Bourne, 8; Burling, 33; Byars, 30; Cornett, 45; Foley, 29; Friend, 10; Hudkins, 21; Jensen, 20; Johnson, 37; Kopplin, 3; Kremer, 34; Mines, 18; Pahls, 31; Dw. Pedersen, 39; D. Pederson, 42; Price, 26; Schimek, 27; Smith, 48; Stuhr, 24; Thompson, 14; Wehrbein, 2

AN ACT relating to economic development; to adopt the Nebraska Opportunity Zone Act; to create the Nebraska Innovation Zone Commission; to provide powers and duties; and to provide a termination date.

Be it enacted by the people of the State of Nebraska,

Section 1. This act shall be known and may be cited as the Nebraska Opportunity Zone Act.

Sec. 2. The Legislature finds and declares that the area adjacent to the Interstate 80 corridor running through the entire length of Nebraska affords an excellent opportunity for business expansion, economic development, job creation, and education-business partnerships. The Legislature further declares that this opportunity is best realized through regional cooperation in which the communities, businesses, and educational entities in the corridor work together to pursue common goals within opportunity zones. The Department of Economic Development is encouraged to work with interested parties within the corridor to create opportunity zones similar to the one established in section 7 of this act.

Sec. 3. An opportunity zone commission shall advocate and recommend programs that encourage regional cooperation and foster community sustainability and economic development initiatives. The chairperson and vice-chairperson of a commission shall supervise the hiring of the executive director using the state personnel hiring process. The Department of Economic Development shall provide administrative and technical support to a commission. A commission may secure cooperation and assistance of and funding from other appropriate government and private-sector entities.

Sec. 4. An opportunity zone commission shall:

- (1) Define boundaries for the opportunity zone;
- (2) Focus attention on and increase awareness of the opportunities and needs in a particular region of Nebraska, referred to as the opportunity zone;
- (3) Advocate by proposing solutions to challenges faced in the opportunity zone;
- (4) Encourage and support continuity, coordination, and cooperation among national, state, multicommunity, and local economic development initiatives and service providers in the opportunity zone;
- (5) Serve as an advisory body to the Governor, state agencies, and the Legislature on economic development issues in the opportunity zone;
- (6) Establish an information clearinghouse on challenges and needs, development services, model initiatives, available resources, and service providers;
- (7) Foster multicommunity partnerships;
- (8) Foster regional marketing activities to promote the opportunity zone;
- (9) Study and develop recommendations for uniform county zoning within the opportunity zone; and
- (10) Accept contributions from member entities to fund the activities of the commission.

Sec. 5. An opportunity zone commission may:

- (1) Appoint nonvoting members, obtain advisors, create task forces composed of noncommission members, or engage in other appropriate activities necessary in completing the commission's duties;
- (2) Issue reports, recommendations, or other communications as deemed necessary by a majority of voting members of the commission;
- (3) Adopt operating procedures and guidelines; and
- (4) Engage in other activities relevant and appropriate to its purpose, duties, and powers.

In addition, the commission may receive or apply for and receive

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director of an opportunity zone commission shall transmit to the Governor and the Clerk of the Legislature an annual report which includes a summary of the commission's activities, recommendations for future economic development action in the opportunity zone, and an accounting of the source and use of funds disbursed during the previous fiscal year.

Sec. 7. (1) The Legislature finds an opportunity exists to develop high technology business between the Omaha and Lincoln business communities, the university system of the State of Nebraska, including the University of Nebraska-Lincoln, the University of Nebraska at Omaha, and the University of Nebraska Medical Center, and Sarpy County, including Offutt Air Force Base. The Legislature further finds that the cities of Lincoln and Omaha are moving toward designation as a single metropolitan statistical area for census purposes, possibly by the federal decennial census. Therefore, an opportunity zone commission should be established for eastern Nebraska.

(2) The Nebraska Innovation Zone Commission is created. The commission shall consist of the following members:

- (a) Three members appointed by the county board of Douglas County;
- (b) Two members appointed by the county board of Sarpy County;
- (c) Two members appointed by the county board of Lancaster County;
- (d) Two members appointed by the county board of Cass County;
- (e) One member appointed by the county board of Saunders County;
- (f) One member appointed by the county board of Washington County;
- (g) One member appointed by the city council of Omaha;
- (h) One member appointed by the city council of Lincoln;
- (i) One member representing cities of the first class within Douglas, Sarpy, Lancaster, Cass, Saunders, and Washington counties appointed by the other members of the commission;

(j) One member representing cities of the second class and villages within Douglas, Sarpy, Lancaster, Cass, Saunders, and Washington counties appointed by the other members of the commission;

(k) One member appointed by the Board of Regents of the University of Nebraska;

(l) One member appointed by the community college areas;

(m) One member appointed by the board of directors of the Papio-Missouri River Natural Resources District; and

(n) One member appointed by the board of directors of the Lower Platte South Natural Resources District.

(3) The chairperson and vice-chairperson of the commission shall be elected by a majority of the members of the commission at the first commission meeting and shall each serve a two-year term as chairperson and vice-chairperson, respectively. The commission shall meet at the call of the chairperson or a majority of the members. The chairperson shall call such meetings as he or she determines necessary to fulfill the duties of the commission. A quorum shall be one-half of the members. The members of the commission shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177.

(4) The commission shall carry out the duties set forth in section 4 of this act as they relate to eastern Nebraska.

Sec. 8. The provisions of the Nebraska Opportunity Zone Act shall terminate on December 31, 2010.

## LEGISLATIVE BILL 546A

Approved by the Governor May 31, 2005

Introduced by Brown, 6

AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 546, Ninety-ninth Legislature, First Session, 2005.

Be it enacted by the people of the State of Nebraska,

Section 1. There is hereby appropriated (1) \$66,999 from the General Fund for FY2005-06 and (2) \$68,965 from the General Fund for FY2006-07 to the Department of Economic Development, for Program 603, to aid in carrying out the provisions of Legislative Bill 546, Ninety-ninth Legislature, First Session, 2005.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed \$42,013 for FY2005-06 or \$43,378 for FY2006-07.



www.lincolnaairport.com

July 19, 2005

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Lincoln City Council  
County-City Building  
555 South 10th Street  
Lincoln, NE 68508

RE: *Resolution No. 462*

Enclosed is Lincoln Airport Authority Resolution No. 462 stating that no tax levy should be made for airport purposes for the fiscal year beginning July 1, 2005.

Sincerely,

AIRPORT AUTHORITY

A handwritten signature in cursive script that reads 'Larry D. Maresh'.

Larry D. Maresh  
Deputy Director for Administration

LDM/lb

Enc.



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## RESOLUTION NO. 462

WHEREAS, current airport revenue appears adequate to fund airport operations, including debt service, during the 2005 – 2006 fiscal year; and,

WHEREAS, the Airport Authority has funds sufficient to pay the required payments into the 1999 Bond Fund or Reserve Fund and Airport Bonds, Series 2002 A and B Bond Fund, or Reserve Fund during the 2005 – 2006 fiscal year; and,

WHEREAS, the balance remaining with the Airport Promotion Fund should be reappropriated for authorized expenditure by the Authority without an additional levy of tax.

NOW, THEREFORE, IT IS RESOLVED by the Board of the Airport Authority of the City of Lincoln, Nebraska:

Section 1. That the Chairman is hereby authorized and directed to certify to the governing body of the City of Lincoln that no levy should be made for airport purposes for the fiscal year beginning July 1, 2005.

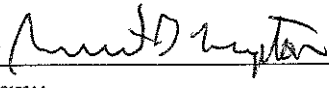
Section 2. That the Chairman is hereby authorized to inform the Mayor and Council for the City of Lincoln, Nebraska, that for the 19<sup>th</sup> consecutive year no levy is required for the Aviation Promotion Fund for the coming year. The balance in the fund should be reappropriated.

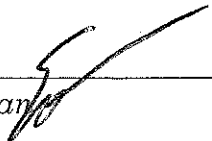
Section 3. The Secretary shall attest the foregoing certificate and request.

Passed and adopted at a regular meeting of the Board held on the 19<sup>th</sup>  
day of July, 2005, at which a quorum was present and voting.

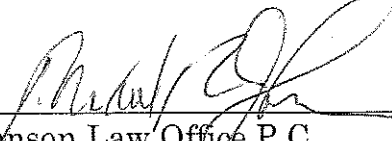
ATTEST:

AIRPORT AUTHORITY OF THE  
CITY OF LINCOLN, NEBRASKA

  
Secretary

Assnt. Chairman 

APPROVED AS TO FORM:

  
Johnson Law Office P.C.  
Legal Counsel for the Airport  
Authority of the City of Lincoln, NE

*[Handwritten signature]*

**ADDENDUM  
TO  
DIRECTORS' AGENDA  
MONDAY, JULY 25, 2005**

**I. MAYOR**

1. NEWS ADVISORY - RE: Mayor Seng & Lincoln Public Schools Superintendent Dr. Susan Gourley will be joined by dozens of kindergarten students to discuss plans for the 3<sup>rd</sup> Annual Kindergarten Kickoff at a news conference at 10:30 a.m. Friday, July 22<sup>nd</sup> - (See Advisory)
2. NEWS ADVISORY - RE: Mayor Seng's Public Schedule Week of July 23 through 29, 2005-Schedule subject to change -(See Advisory)
3. NEWS RELEASE - RE: Kindergarten Kickoff Celebrates Beginning Of Educational Careers-City, Lincoln Public Schools, Children's Museum collaborate on third annual event -(See Release)

**II. CITY CLERK - NONE**

**III. CORRESPONDENCE**

**A. COUNCIL REQUESTS/CORRESPONDENCE - NONE**

**B. DIRECTORS AND DEPARTMENT HEADS**

**PERSONNEL**

1. Material from Don Taute - RE: "M" Class Pay Range Fact Sheet -(Council received this Material in their Thursday packets on 7/21/05)(See Material)

**C. MISCELLANEOUS**

1. Letter from Nancy Russell - RE: Rate increases rising -(See Letter)
2. E-Mail from Larry Zink, On behalf of the University Place Community Organization - RE: Item #5, 05-98 - Down zoning in University Place Neighborhood-Change of Zone #05044 -(See E-Mail)



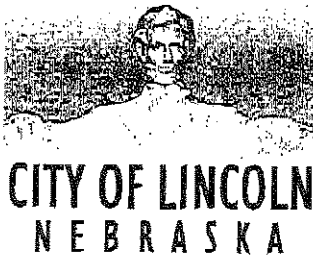
# NEWS ADVISORY

**DATE:** July 21, 2005

**FOR MORE INFORMATION:** Dave Norris, Citizen Information Center, 441-7547

Mayor Coleen J. Seng and Lincoln Public Schools Superintendent Dr. Susan Gourley will be joined by dozens of kindergarten students to discuss plans for the third annual Kindergarten Kickoff at a news conference at **10:30 a.m. Friday, July 22 at Walt Library, 6701 S. 14th St.**





# NEWS ADVISORY

MAYOR COLEEN J. SENG

lincoln.ne.gov

Date: July 22, 2005

Contact: Diane Gonzolas, Citizen Information Center, 441-7831

## Mayor Seng's Public Schedule Week of July 23 through 29, 2005 *Schedule subject to change*

### Saturday, July 23

- Volunteer at Food Share - 7:30 a.m., Fourth Presbyterian Church, 5200 Francis
- Shrine Bowl Parade - 10 a.m., Havelock Avenue

### Monday, July 25

- Ribbon-cutting at "The Arbors," remarks - 10 a.m., 57th and Fremont streets

### Tuesday, July 26

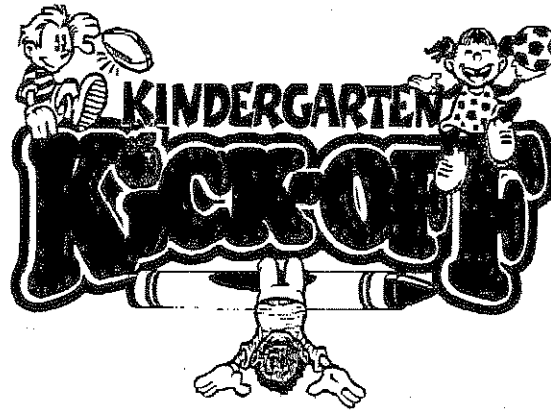
- KLIN call-in - 8:10 a.m., 4343 "O" Street
- International visitors from Hungary - 4:30 p.m., Mayor's Conference Room, 555 South 10th Street

### Wednesday, July 27

- "Seasons of Light" - 5 p.m., Assurity Life Insurance Company, 1526 "K" Street

### Thursday, July 28

- Ground-breaking for Bryan LGH Childbirth and Pediatrics Tower, remarks - 1:30 p.m., Bryan LGH East, 1600 South 48th Street, east side, just north of the Sumner Street garage



## NEWS RELEASE

**FOR IMMEDIATE RELEASE:** July 22, 2005

**FOR MORE INFORMATION:** Pat Leach, Lincoln City Libraries, 441-8565

Cindy Ryman-Yost, Children's Museum, 477-0436

Holly Kruger, Principal, Blessed Sacrament, 476-6202

Mary Kay Roth, LPS Communications, 436-1000

Dave Norris, Citizen Information Center, 441-7547

### **KINDERGARTEN KICKOFF CELEBRATES BEGINNING OF EDUCATIONAL CAREERS**

*City, Lincoln Public Schools, Children's Museum collaborate on third annual event*

The usual scholastic pomp and circumstance is normally reserved for students who have achieved their educational goals. But through a unique local partnership, Lincoln's kindergartners will again have an opportunity to celebrate the start of their school years.

Kindergarten Kickoff – a partnership among the Lincoln Public Schools (LPS), the Lincoln Children's Museum, Lincoln City Libraries and the City of Lincoln – is a city-wide celebration to recognize children who will enter kindergarten this fall. LPS Superintendent Susan Gourley praised the third annual Kindergarten Kickoff for raising public awareness about the significance of kindergarten as an important first step in school.

"Kindergarten is such an important time; it is appropriate to celebrate the advent of this milestone in our children's lives," said Gourley. "Kindergarten Kickoff engages families, educators and community members in a city-wide effort to celebrate and support our children's transition into school." Gourley noted that Lincoln Public Schools had a record large kindergarten class last year, with more than 2,500 children starting school. "This fall we anticipate welcoming even more kindergartners and setting a brand new kindergarten record," she said.

All children registered to attend kindergarten in Lincoln this fall were mailed an invitation encouraging them to visit a Lincoln City Library, register for their very own library card and receive a free Kindergarten Kickoff tee shirt. Kindergartners wearing their tee shirts, and their family members, will be admitted free to the Children's Museum, 1420 "P" St., for one of four scheduled recognition events where their school is to be featured (see attached schedule). The recognition events are from 5:30 to 8 p.m. Monday, August 8 through Thursday, August 11. At the Children's Museum recognitions, all incoming kindergartners will receive a free book, "Clifford's ABC" or "The Berenstain Bears Go To School."



-more-



A Partnership of Lincoln Public Schools, Lincoln Children's Museum, Lincoln City Libraries and the City of Lincoln

**Kindergarten Kickoff****July 22, 2005****Page Two**

Mayor Coleen J. Seng, who will attend her third Kindergarten Kickoff celebration, praised the event, Lincoln's schools and the overall impact they have on Lincoln's quality of life.

"Our schools are one of the biggest selling points in attracting new residents and businesses to our City," said Mayor Seng. "This is a wonderful city-wide celebration that will encourage our children as they begin their journey to lifelong learning. This helps our youngsters get into the routine of visiting the City libraries to check out books and to explore their world through reading."

Community leaders, kindergarten teachers and administrators will be in attendance each night at the museum. Dr. Gourley and Mayor Seng have been invited to appear at each event.

Statistics show that the annual Kindergarten Kickoff celebration is growing in popularity. Last year, 1,012 students attended the events compared to 674 in 2003. Just over 3,450 family members attended in 2004 compared to 2,628 the previous year, while 158 teachers and administrators attended last year compared to 93 in 2003.

Students and families wanting additional information on the Kindergarten Kickoff can call Pat Leach, Lincoln City Libraries, at 441-8565, or visit the City library Web site at [lincoln.ne.gov](http://lincoln.ne.gov) or [lincolnlibraries.org](http://lincolnlibraries.org).

-30-

**Kindergarten Kickoff Schedule - Lincoln Children's Museum**

<u>Monday, Aug. 8</u>	<u>Tuesday, Aug. 9</u>	<u>Wednesday, Aug. 10</u>	<u>Thursday, Aug. 11</u>
Holmes	Elliott	Hartley	Home Schools
Huntington	Riley	Humann	Saratoga
Morley	Roper	Calvert	Sheridan
Norwood Park	Prescott	Zeman	Arnold
Pershing	Beattie	Maxey	Fredstrom
Kahoa	Hill	Rousseau	West Lincoln
Brownell	Cavett	St. Joseph	Belmont
Meadow Lane	Everett	St. Peter	McPhee
Hawthorne	Lakeview	St. Teresa	Messiah Lutheran
Eastridge	Clinton	Cathedral	Christ Lutheran
Pyrtle	Blessed Sacrament	Children's Circle	Faith Lutheran
Helen Hyatt	St. John	Lincoln Montessori	Trinity Lutheran
Parkview	St. Patrick	Montessori School	St. Mark Lutheran
Lincoln Christian	Sacred Heart	Child's View	Good Shepherd Lutheran
Trinity Infant and Child C.C.	St. Mary		North American Martyrs
Sunshine School	Campbell		
Randolph			



**Karen Eurich/Notes**  
07/21/05 02:39 PM

To CouncilPacket/Notes@Notes  
cc  
bcc  
Subject Fw: M Class Fact Sheet

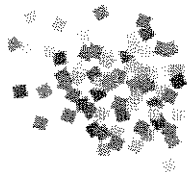
----- Forwarded by Karen Eurich/Notes on 07/21/2005 02:41 PM -----

**Don W Taute/Notes**  
07/21/2005 01:18 PM

To Karen Eurich/Notes@Notes  
cc  
Subject Fw: M Class Fact Sheet

Please send this document to Council for inclusion in this week's packet.

----- Forwarded by Don W Taute/Notes on 07/21/05 01:19 PM -----



**Lynn J Dekalb/Notes**  
07/21/05 11:24 AM

To Don W Taute/Notes@Notes  
cc  
Subject M Class Fact Sheet

Attached please find the M Class Fact Sheet prepared as a pdf document for the Council packet.

-ld



BPE050721.pdf



## "M" CLASS PAY RANGE FACT SHEET

- Prior "M" class pay structure included 7 pay ranges M01-M07 with a minimum of \$37,800.00 (M01) and a maximum of \$110,000.00 (M07).
- The City conducted a salary survey of management positions by surveying the 7 cities typically used by the City in comparability and benefits studies for bargaining groups as well as unrepresented employees.
- The 7 cities surveyed included: Des Moines, IA; Cedar Rapids, IA; Overland Park, KS; Topeka, KS; Wichita, KS; Omaha, NE; and Sioux Falls, SD.
- Of the 7 surveyed cities, 4 have broad banded pay range systems for management employees: Des Moines (\$60,000 - \$125,000), Cedar Rapids (\$57,904 - \$127,836), Overland Park (\$35,942 - \$101,837), and Wichita (\$60,176 - \$120,352). A broad banded pay range system for management employees is the prevalent practice. The average band is \$53,505 - \$118,756 and the midpoint band is \$58,952 - \$120,716.
- The results of the comparability salary survey indicated that the City of Lincoln is 5.7% below the market.
- The value of 1% for "M" class employees is \$108,773. An adjustment to market would result in a cost of \$620,000 to the City.
- The "M" class positions encompass 139 employees of which 74 are eligible to retire with employees in the prior M04 - M07 ranges having average years of service in excess of 24 years.
- The goals in adopting a broad banded pay system were: (1) to be competitive in recruitment by having salary ranges commensurate with the market for management positions because the City was experiencing difficulty in recruiting qualified employees for vacant management positions and was hiring at approximately 80% of the maximum of the previous "M" class pay ranges; and (2) the retention of existing employees with considerable years of experience and accumulated knowledge.
- The evaluation system in the broad banded pay range system changes from a 0-6% to 0-4% variable merit evaluation system to lower the average raise for all employees now eligible.
- With the broad banded system and the 0-4% evaluation scale, it was estimated the average raise would be 2.86% rather than the 4.25% average under the previous system, assuming employees were evaluated the same way as under the prior system.
- "M" employees evaluated from January '05, the effective date of the broad banded system, to present indicates an average merit increase of 2.7%.
- The cost to implement the new broad banded system for the remainder of the 2004-2005 fiscal year is \$76,500 to tax funds only or \$107,700 to all funds as compared to the \$620,000 cost to the City's budget if the "M" class ranges were adjusted to increase them to meet the market comparability for such management positions.

1-17-05

Dear City Council:

If you decide that the wheel tax, water rates + electrical rates need to rise (to accommodate "growth"), please allow us to water our gardens (in case of rationing) so we can eat.

Thanks.

H. M. Russell

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JUL 22 2005

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OFFICE

*Handwritten signature*

Joan V Ray/Notes  
07/25/2005 09:19 AM

To erickson.zink@att.net  
cc  
bcc  
Subject Re: Change of Zone 05044 - Univ. Place

#5  
05/28

Dear Mr. Zink: Your message has been received in the Council Office and will be forwarded to the Council Members for their consideration. Thank you for your input on this issue.

Joan V. Ray  
City Council Office  
555 South 10th Street  
Lincoln, NE - 68508  
Phone: 402-441-6866  
Fax: 402-441-6533  
e-mail: jray@lincoln.ne.gov

erickson.zink@att.net



erickson.zink@att.net  
07/24/2005 08:14 PM

To council@lincoln.ne.gov  
cc  
Subject Change of Zone 05044 - Univ. Place

TO: City Council Members of Lincoln  
FROM: Larry K. Zink, 4926 Leighton Ave, Lincoln, NE  
68504  
University Place Community Organization  
DATE: July 24, 2005  
RE: Downzoning in University Place Neighborhood #05044

This email is to express the support of the University Place Community Organization (UPCO) for the proposed rezoning (#05044) from B-3 to R-4 in the University Place neighborhood in northeast Lincoln. Enclosed within this email is a listing of 11 property owners in this area (58% of the 19 property owners) who have signed petitions in support of the change of zone from B-3 to R-4 for this area.

This proposed rezoning is consistent with the recommendations included in The North 48th Street - University Place Plan, the product of an area focus study undertaken in 2004. The University Place Business Association, Nebraska Wesleyan University, and the University Place Community Organization were partners in this study along with the city's Urban Development Department, and the Public Works & Utilities Department. As part of this year-long study, several public meetings were held in the neighborhood to gather early input and to solicit feedback on draft recommendations. The North 48th Street Plan, and the downzoning recommendations included in that plan, have been reviewed and accepted by the Planning Commission and were adopted by the City Council as an amendment to the Comprehensive Plan in the fall of 2004.

The proposed rezoning of this B-3 area was originally part of a broader University Place Community Organization (UPCO) rezoning application (#05021). In between the original Planning Commission hearing and the City Council public hearing on this broader rezoning application, it became apparent that some members of the University Place business community had not been aware of this particular proposed B-3 zoning change. Those business owners requested time to consider the implications of this rezoning for the broader University Place business district revitalization effort. In the spirit of collaboration that was an integral part of the University Place planning process, UPCO requested that this B-3 area be removed from the (# 05044) application, with the stated intent to bring this rezoning back before the Planning Commission and City Council at a later date. Since then two meetings have been held with the property owners, the business owners, the N. 48th Street Implementa-

tion Committee and city staff members. Over the course of these meetings, it became clear that the property owners overwhelmingly supported this zoning change and that the proposed zoning changes would have very limited impact on the existing business district. The N. 48th Street Implementation Committee (and its business owner members) agreed to support the property owners wishes for this zoning change.

In developing the original downzoning recommendations included in the N. 48th Street Plan, a careful block-by-block analysis was conducted of property ownership, occupancy status, and the condition of existing housing stock. The N. 48th Street Plan advocated a policy of focused downzoning: "The city and neighborhood should implement a surgical rezoning strategy, based on the character and preferred occupancy status outcome of each blockface." The Plan's downzoning recommendations and this downzoning application are focused on stabilizing those blockfaces where owner/occupancy is still dominant and encouraging homeowner investment in those areas. The proposed downzoning for this B-3 area follows the downzoning recommendations outlined in the N. 48th Street Plan.

In the course of the overall UPCO outreach/education campaign related to this downzoning effort, strong support for this downzoning application has been illustrated by the views expressed by the B-3 area property owners in the course of informational meetings and by the fact that 11 of 19 property owners have signed petitions supporting the proposed B-3 to R-4 rezoning of their property (see below).

#### B-3 to R-4 Property Owners Signing Downzoning Support Petition

	OWNER	SITUS_ADDR
1	NAGEL, RYAN	2715 N 47 ST
2	KASSEBAUM, BRIAN R & TERRI L	4626 BALDWIN AVE
3	RICHTER, GUY W & JOAN	4627 BALDWIN AVE
4	MORROW, SHAWN D & LORI A	4627 CLEVELAND AVE
5	JUNGERS, JAMES L & DONA D	4627 MADISON AVE
6	KRAUSE, KERRY L & LUCILLE R	4642 MADISON AVE
7	BURESH, STEVEN D & KIMBERLY A	4626 SAINT PAUL AVE
8	BALL, TODD R & RHONDA L	4627 SAINT PAUL AVE
9	KOCH, CHRIS A & TRUDY J	4640 SAINT PAUL AVE
10	BLACKETER, TERRY L & STEVEN L	4645 SAINT PAUL AVE
11	MOLONEY, THOMAS J	4635 CLEVELAND AVE

The University Place Community Organization urges your support of this proposed rezoning.

Sincerely,

Larry K. Zink  
On behalf of the University Place Community Organization  
4926 Leighton Ave.  
Lincoln, NE 68504  
402-464-6937  
erickson.zink@att.net.